Mobile and Portable Devices, and Records

- What are Mobile and Portable Devices?
- What kind of records might I have on my Mobile Device?
- What are transitory or non-substantive records?
- What should I do with Agency records created on my Mobile Device?
- After I have captured Agency records, do I need to delete them from my Mobile Device?
- Can Instant Messages (IM's) be Agency records?
- Do I need to set up any special security on the Mobile Device?
- Is the information on my Mobile Device subject to FOIA, subpoena, and discovery?
- My Mobile Device was not provided by the Agency. Do these rules still apply to me?
- Do these guidelines apply to EPA contractors?
- How can I get additional guidance?

What are Mobile and Portable Devices?

Mobile and portable devices include laptops, tablets, netbooks, smart phones, and USB drives.

For guidance on current mobile phones and other devices available see OEI's Mobile Devices page:
http://intranet.epa.gov/otop/mobiledevices/index.html
And Frequent Questions - iPhone, iPads and Windows 8 Mobile Devices: http://intranet.epa.gov/otop/mobiledevices/faq-mobiledevices.html

Note: Staff are authorized to download applications located in the App Catalog (PDF, 1p, 156KB) only. For a listing of EPA preapproved apps for download — visit the Pre-Approved Free Apps for iPhone and Windows Mobile Devices: http://intranet.epa.gov/otop/mobiledevices/pdf/EPA-APP-Catalog-QRG.pdf (PDF, 1p, 156KB)

What kind of records might I have on my Mobile Device?

Common Agency records maintained on Mobile Devices include e-mail, calendars, voice mail and any other information related to your work at EPA.

What are transitory or non-substantive records?

Transitory or non-substantive records are those of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities. See NARA GRS 23/ EPA 167.

See EPA's Records Management Policy: https://www.epa.gov/sites/production/files/2015-03/documents/cio-2155.3.pdf (PDF, 16pp, 116KB)

What should I do with Agency records created on my Mobile Device?

Records created on your Mobile Device should be transferred to your office's recordkeeping system on a regular basis. For email this may be done automatically or manually. A recordkeeping system may be either electronic or hard-copy, as long as records are organized and accessible. Use of EZ Email Records is highly recommended.

After I have captured Agency records, do I need to delete them from my Mobile Device?

No, you may maintain convenience or reference copies. Both official records and convenience copies should be disposed of in accordance with applicable Agency record schedules.

Can Instant Messages (IM's) be Agency records?

Users of IM or other transient technologies are responsible for ensuring that IMs that result in the creation of a federal record are saved for FRA purposes. This can be done in Microsoft Office. For text messages created with an iPhone or Windows phone, see EPA's Instructions for Saving Text Messages (last modified, 11/22/16) at: http://intranet.epa.gov/mobiledevices/docs/How-to-Save-Text-Messages-QRG-11-22-16.pdf (PDF, 3pp, 556KB)

Do I need to set up any special security on the Mobile Device?

Information stored on your device requires the same degree of protection as similar EPA information stored elsewhere, whether on a LAN, PC, removable electronic media, or paper. Consult your organization's policy on handheld computing to see if there are special security requirements. Enable the password lock feature when the device is not being used, to provide an initial form of protection against unauthorized users.

The following quick tips will help you protect your portable devices and the information they contain.

Portable Devices Security Quick Tips

- Keep your portable device with you or properly secured at all times.
- Make sure your portable devices are password protected and don't share your passwords.
- Don't connect your portable device to unknown networks or computers.
- If your portable device is lost or stolen report it to CTS Service Desk at 1-866-955-4287 as soon as possible. Then contact either -
    - Federal Protective Service - 1-866-347-2423 (if stolen inside EPA facility)
    - Local Police if stolen outside EPA facility

Only approved social media applications should be downloaded to your phone. Follow the guidance found here: https://www.epa.gov/webguide/terms-service-agreements

Is the information on my Mobile Device subject to FOIA, subpoena, and discovery?

Yes, information on your Mobile Device may be requested under FOIA or in response to litigation. The same exemptions apply to the release of the information that apply to all other EPA records.

My Mobile Device was not provided by the Agency. Do these rules still apply to me?

Yes, if you have Agency records on a personally-owned Mobile Device, they still need to be captured in an approved recordkeeping system. It is recommended that you do not use your personal device for EPA work purposes, unless there are no other options.

Do these guidelines apply to EPA contractors?

Yes, these guidelines apply to EPA contractors and other agents. Contract terms should ensure that contractor systems satisfy legal requirements for creating and maintaining adequate and complete records of EPA transactions.

How can I get additional guidance?

If you have policy questions about managing records on your mobile or portable devices, contact the NRMP Help Desk at 202 566-1494 or email records@epa.gov.

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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WASHINGTON, DC 20515–6143

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MINORITY (202) 225–5051

http://oversight.house.gov

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December 6, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCarthy:

As the 114th Congress and the current administration conclude our respective affairs, I write to encourage you to be mindful of ongoing oversight matters, and specifically the Committee's current outstanding requests. I trust you will take a leadership role in ensuring your department preserves and retains all documents and communications in accordance with federal recordkeeping requirements such as 44 U.S.C. §§ 3101-3314 and criminal statutes that prohibit the destruction of records relevant to congressional investigations.

During the 112th, 113th, and 114th Congresses, the Committee's oversight and investigative matters were frequently delayed and impeded by executive branch officials who inappropriately deleted relevant documents[40] or conducted government business on unauthorized, non-government accounts.[41] Accordingly, I urge you to make sure your top officials do not purge, delete, or destroy any official government records.

To ensure the integrity of congressional investigations that may be necessary in the 115th Congress, please preserve all official records. The Committee requests and expects you will exercise an abundance of caution, and keep everything. Further, according to news accounts, certain agencies are rushing to issue regulations prior to the end of the current administration.[42]

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[40] John D. McKinnon, *Former IRS Official's Email Lost When Backup Tapes Routinely Erased*, WALL ST. J., June 25, 2015, *available at* http://www.wsj.com/articles/former-irs-officials-email-lost-when-backup-tapes-routinely-erased-1435234390. *See e.g.* Robert W. Wood, *IRS Wipes Another Hard Drive Defying Court Order…But You Must Keep Tax Records*, FORBES, Jan. 20, 2016, *available at* http://www.forbes.com/sites/robertwood/2016/01/20/irs-wipes-another-hard-drive-defying-court-order-but-you-must-keep-tax-records/#734f5f5e726b.

[41] M. Scott Mahaskey, *What the FBI Files Reveal About Hillary Clinton's Email Server*, POLITICO MAGAZINE, Sept. 30, 2016, *available at* http://www.politico.com/magazine/story/2016/09/hillary-clinton-emails-2016-server-state-department-fbi-214307. *See e.g.* Alicia Parlapiano, *What We Know About the Investigation Into Hillary Clinton's Private Email Server*, N.Y. TIMES, Oct. 28, 2016, *available at* http://www.nytimes.com/interactive/2016/05/27/us/politics/what-we-know-about-hillary-clintons-private-email-server.html?_r=0.

[42] Bob King and Nick Juliano, Obama's Agencies Push Flurry of 'Midnight' Actions, POLITICO, Nov. 27, 2016, *available at* http://www.politico.com/story/2016/11/obama-regulations-231820.

The regulatory process should be open and transparent. To that end, the Committee also specifically requests that you preserve all records related to any regulation or rule, including: advance notice of proposed rulemaking, proposed regulation, or finalized rule since July 1, 2016.

This preservation request should be construed as an instruction to preserve all documents, communications, and other data ("records"). Records are defined broadly, and include log files and metadata. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible. Specifically, you should:

1. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved;

2. Exercise reasonable efforts to identify, recover, and preserve any electronic records which have been deleted or marked for deletion but are still recoverable; and

3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

If you have any questions about this request, please have your staff contact Andrew Dockham of my staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz

Jason Chaffetz
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 13, 2017

MEMORANDUM

SUBJECT: OIG Interim Procedure 420-1: Preserving Agency Information of Separating Personnel

Edward S Shields

FROM: Edward Shields, Acting Assistant Inspector General
Office of Management

TO: OIG Employees

The Office of Inspector General's (OIG's) interim procedure, "Preserving Agency Information of Separating Personnel," is used in conjunction with the U.S. Environmental Protection Agency's (EPA's) interim procedure CIO 2155-P-07.0 titled "Preserving Agency Information of Separating Personnel." The EPA procedure outlines guidance for separating employees to manage their information assets before separating from the agency.

Both procedures are also used with EPA procedure CIO 2155-P-04, the "Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act," and EPA Form 3110-49 titled "EPA Records Management Checklist for Separating/Transferring or Separated Personnel."

All OIG employees shall manage records created or received for action in accordance with federal regulations and the aforementioned procedures. Separating employees should seek assistance from the OIG's Office of Counsel, the OIG Records Liaison Officer, and their respective supervisors to ensure that information assets are preserved for litigation and other affirmative preservation requirements.

Before separating, an employee who is a custodian of information needed for Freedom of Information Act (FOIA) requests, litigation holds, and congressional inquiries, should notify the Office of Counsel to ensure that documents related to the holds are secured properly. The lead case attorney will then provide guidance to the employee.

The following OIG systems are authorized recordkeeping systems that separating employees should use to store information related to OIG business functions:

- **Auto Audit**—Captures and stores audit and program evaluation cases.
- **IGEMS Investigations Module**—Captures and stores investigation case files.

- **Email**—Separating employees should review MS Outlook emails to ensure that emails subject to a litigation hold, a pending FOIA request, or congressional inquiry are saved in MS Outlook EZ-email. Any emails with exceptionally sensitive content should be filed in the appropriate OIG electronic recordkeeping system.

- **Computer hard drives**—Separating employees should review their local computer hard drive to ensure that records or information subject to a litigation hold, a pending FOIA request, or congressional inquiry are moved to the **MY Documents** folder on their computer, or to the appropriate OIG electronic recordkeeping system.

- **Removable storage devices**—Separating employees should review their removable storage devices (e.g., CD, DVD, USB, external hard drive, etc.) to ensure that records or information subject to a litigation hold, a pending FOIA request, or congressional inquiry are moved to the **MY Documents** folder on their computer, or to the appropriate OIG electronic recordkeeping system. If data exceeds the computer's hard drive capacity, contact OIG Technical Support for assistance. The separating employee should not delete information subject to a litigation hold or other affirmative preservation requirement from a removable storage device. Instead, the separating employee should deliver these devices to the lead case attorney, the OIG Records Liaison or another designated employee with the information still stored on the device.

- **Mobile devices**—Separating employees should ensure that any information on their mobile device (e.g., text messages, pictures or other files that may constitute a record, or are subject to a litigation hold, a pending FOIA request, or congressional inquiry) is saved in MS Outlook EZ-email. Employees should not delete any data, including text messages, that are subject to a litigation hold or other preservation requirement.

- **Network files**—Separating employees should review files stored on the network to ensure that records or information subject to a litigation hold, a pending FOIA request, or congressional inquiry are saved to a new folder on the server. The new folder should include the employee's last name, first name, and be labeled as "separated data" (i.e., smithjohnseparateddata). Files that are not related to a litigation hold or other preservation requirement should be moved to the appropriate OIG electronic recordkeeping system, or disposed of in accordance with the governing EPA records schedule(s). Contact the OIG Records Liaison Officer for records retention and disposal instructions.

- **Paper documents and records**—Separating employees should identify any paper-based material, documents and other files that are under a litigation hold, a pending FOIA request, or congressional inquiry. These paper materials should be given to the lead case attorney, the employee's supervisor, or to the OIG Records Liaison Officer.

OIG supervisors are responsible for ensuring that separating employees manage all documents and records, paper-based materials and electronic documents prior to departing from the OIG. Supervisors are required to assist separating employees in the preservation of information and records. In instances where an employee has separated and did not give prior notice or did not complete the steps outlined in the interim Procedures, the employee's supervisor is accountable for working with the OIG Records Liaison, OIG FOIA coordinator, the lead for responses to congressional inquiries, and in consultation with the Office of Counsel to complete the necessary steps for record preservation.

These interim procedures are effective immediately. They will be added to OIG Procedure 420, "Records Management Program Procedures."

If you have additional questions, please contact Billy Eason, OIG Records Liaison Officer, at (202) 566-2703.

cc: Charles Sheehan, Deputy Inspector General

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

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March 8, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Pruitt:

Federal recordkeeping and government transparency laws such as the Federal Records Act and the Freedom of Information Act (FOIA) ensure the official business of the government is properly preserved and accessible to the American public.[1] As the Committee with legislative jurisdiction over these laws, we have a longstanding interest in ensuring compliance with their provisions.[2] Over the past decade, our oversight has included monitoring trends in federal employees' use of technology in order to ensure the statutory requirements of these laws keeps pace with their original purpose. The Committee has authored several updates to these laws, such as the Presidential and Federal Records Act Amendments of 2014 and the FOIA Improvement Act of 2016.[3] We plan to pursue additional efforts to update these laws.

Federal Records Act challenges have spanned across administrations. A 2013 report by the Inspector General for the Commodities Futures Trading Commission found that former Chairman Gary Gensler used his personal email consistently.[4] Documents produced as part of the Committee's investigation into the Department of Energy's disbursement of funds under the Recovery Act showed that the former Executive Director of the Loan Program Office Jonathan Silver often used his personal email account to conduct official business.[5]

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[1] Pub. L. No. 81-754 (1950); Pub. L. No. 89-487 (1967).

[2] *See, e.g.*, letter from Hon. Henry Waxman, Chairman, Comm. on Oversight & Gov't Reform, to Hon. Michael Astrue, Comm'r, U.S. Soc. Sec. Admin., *et.al.* (Apr. 12, 2007); letter from Hon. Darrell Issa, Chairman, Comm. on Oversight & Gov't Reform, to Hon. Jeffrey Zients, Acting Dir. for Mgmt., Office of Mgmt. & Budget, *et al.* (Dec. 13, 2012); MAJORITY STAFF OF H. COMM. ON OVERSIGHT & GOV'T REFORM , 114TH CONG., FOIA IS BROKEN: A REPORT (2016).

[3] Pub. L. No. 113-187 (2014); Pub. L. No. 114-185 (2016).

[4] OFFICE OF INSPECTOR GEN., COMMODITY FUTURES TRADING COMM'N, REVIEW OF THE COMMODITY FUTURES TRADING COMMISSION'S OVERSIGHT AND REGULATION OF MF GLOBAL, INC. (May 16, 2013).

[5] *See* Carol D. Leonnig and Joe Stephens, *Energy Department loan program staffers were warned not to use personal e-mail*, WASH. POST, Aug. 14, 2012, http://articles.washingtonpost.com/2012-08-14/politics/35490043_1_personal-e-mail-e-mails-email.

Where a federal employee conducts any business related to the work of the government from a non-governmental email account, such as a personal email account, the Federal Records Act requires that the employee copy their official account or forward the record to their government email account within 20 days.[6] Official business must be conducted in such a way as to preserve the official record of actions taken by the federal government and its employees.

Recent news reports suggest federal employees may increasingly be turning to new forms of electronic communication, including encrypted messaging applications like Signal, Confide, and WhatsApp, that could result in the creation of federal records that would be unlikely or impossible to preserve.[7] The security of such applications is unclear.[8] Generally, strong encryption is the best defense against cyber breaches by outside actors, and can preserve the integrity of decision-making communications. The need for data security, however, does not justify circumventing requirements established by federal recordkeeping and transparency laws.

To assist the Committee in better understanding your agency's policies on these issues, please provide the following information as soon as possible, but by no later than March 22, 2017:

1. Identify any senior agency officials who have used an alias email account to conduct official business since January 1, 2016. Include the name of the official, the alias account, and other email accounts used by the official to conduct official business.

2. Identify all agency policies referring or relating to the use of non-official electronic messaging accounts, including email, text message, messaging applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures.

3. Identify all agency policies referring or relating to the use of official text message or other messaging or communications applications, and social media platforms to conduct official business, including but not limited to archiving and recordkeeping procedures.

4. Identify agency policies and procedures currently in place to ensure all communications related to the creation or transmission of federal records on official electronic messaging accounts other than email, including social networking platforms, internal agency instant messaging systems and other communications applications, are properly captured and preserved as federal records.

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[6] 44 U.S.C. § 2911 (2017).

[7] Andrew Restuccia, Marianne Levine, and Nahal Toosi, *Federal workers turn to encryption to thwart Trump*, POLITICO, Feb. 2, 2017, http://www.politico.com/story/2017/02/federal-workers-signal-app-234510; Jonathan Swan and David McCabe, *Confide: The app for paranoid Republicans*, AXIOS, Feb. 8, 2017, https://www.axios.com/confide-the-new-app-for-paranoid-republicans-2246297664.html.

[8] Sheera Frenkel, *White House Staff Are Using A "Secure" App That's Not Really So Secure*, BUZZFEED NEWS, Feb. 16, 2017, https://www.buzzfeed.com/sheerafrenkel/white-house-staff-are-using-a-secure-app-thats-really-not-so.

5. Explain how your agency complies with FOIA requests that may require searching and production of documents stored on non-official email accounts, social networking platforms, or other messaging or communications.

6. Provide the status of compliance by the agency with the Managing Government Records Directive issued by the Office of Management and Budget on August 24, 2012.[9]

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

For any questions about this request, please have your staff contact Jeff Post of the Majority staff at (202) 225-5074 or Krista Boyd of the Minority staff at (202) 225-9493. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman

Elijah E. Cummings
Ranking Member

Enclosures

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[9] Jeffrey D. Zients, Acting Director, Office of Management and Budget and David S. Ferriero, Archivist of the United States, National Archives and Records Administration, *Managing Government Records Directive* (Aug. 24, 2012) (M-12-18).

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: ______________________________

Bar number: ______________ **State/District of admission:** ____________

Attorney for: ______________________________

Address: ______________________________

Telephone: (______) ______ - __________

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for ______________________ in (select one):

● **All matters before the Committee**

○ **The following matters (describe the scope of representation):**

____

____

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: ______________________________

Attorney's email address: ______________________________

Firm name (where applicable): ______________________________

Complete Mailing Address: ______________________________

____

I agree to notify the Committee within 1 business day of any change in representation.

______________________________ ______________

Signature of Attorney **Date**

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From: Ellis, John
To: Miller, Kevin; Johnston, Robert
Cc: Moser, Rebecca; Kelly, Lynn; Key, Rena; Moore, Gina
Subject: RE: NARA Call about Signal
Date: Friday, February 17, 2017 10:21:00 AM

Good Morning,

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Have a nice weekend and Holiday. Today is my compressed day off so I'm logging off but can be reach at [redacted]

John B. Ellis, CRM
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Office of Enterprise Information Programs (OEIP)
Enterprise Records Management Division (ERMD)
1301 Constitution Ave., NW, Washington, DC
William Jefferson Clinton West Building
Mail Code 2822T, Washington, DC 20460
Phone: 202-566-1643, Mobile: 202-657-3091

From: Ellis, John
Sent: Friday, February 17, 2017 9:20 AM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Key, Rena <Key.Rena@epa.gov>; Moore, Gina <Moore.Gina@EPA.GOV>
Subject: RE: NARA Call about Signal

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Kevin

Kevin Miller | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington DC 20460 | phone: (202) 564-2691

From: Ellis, John
Sent: Thursday, February 16, 2017 5:05 PM
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Duplicate
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6

EPA INFORMATION POLICY

Records Management Policy	
EPA Classification No.: CIO 2155.3	CIO Approval Date: 02/10/2015
CIO Transmittal No.: 15-005	Review Date: 02/10/2018

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Records Management Policy

1. PURPOSE

- To advance a focus on overall records management responsibilities under the Federal Records Act (FRA), as amended, and other applicable authorities.
- To confirm and align principles, responsibilities and requirements for managing the Environmental Protection Agency's (EPA's) records to ensure that the Agency is in compliance with federal laws and regulations; EPA policies; and best practices for managing records.
- To provide the framework for specific guidance and detailed operating procedures governing records management.

2. SCOPE AND APPLICABILITY

This policy addresses all records made or received by EPA employees under federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of EPA functions, organization and activities or because of the value of the information they contain. This policy applies to all EPA headquarters, regional, laboratory and other organizations.

3. AUDIENCE

The audience for this policy includes all EPA organizations, officials, and employees; those who oversee contractors and grantees; and non-EPA employees who manage Agency records, as appropriate.

4. BACKGROUND

The FRA, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

The FRA also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage their recorded information. Major elements include periodically issuing up-to-date records management directives, properly training those responsible for implementation and carefully evaluating the results to ensure adequacy, effectiveness and efficiency.

Records serve a number of purposes including: planning for administrative and program needs, providing evidence of EPA activities, protecting legal and financial rights, enabling oversight by Congress and other authorized agencies, documenting the Agency's history, and continuing key functions and activities in the event of an emergency or disaster. Records capture the Agency's institutional memory and preserve the historical record; they are of critical importance in ensuring that the organization continues to function effectively and efficiently. In conformance with the Presidential Memorandum, *Managing Government Records*, November 28, 2011, the Agency must "meet the executive branch-wide effort to reform records management policies and practices. [The results will improve] performance and promote openness and accountability by better documenting agency actions and decisions."

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5. AUTHORITY

a. 44 U.S.C. Chapter 31 – Records Management by Federal Agencies (Federal Records Act) [http://www.archives.gov/about/laws/fed-agencies.html]

b. 44 U.S.C. Chapter 33 – Disposal of Records [http://www.archives.gov/about/laws/disposal-of-records.html]

c. 44 U.S.C. Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act) [http://www.archives.gov/about/laws/fed-information-policy.html]

d. 36 CFR Chapter XII, Subchapter B – Records Management [http://www.archives.gov/about/regulations/regulations.html]

e. OMB Circular A-123 – Management's Responsibility for Internal Control [http://www.whitehouse.gov/omb/circulars/a123/a123_rev.html]

f. OMB Circular A-130 – Management of Federal Information Resources [http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html]

g. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1A1) [http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2040-1a1.pdf]

h. U.S. EPA, Uniform Continuity of Operations (COOP) Plan Policy (Order 2030.1a) [http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2030-1a.pdf]

i. Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65 - Federal Executive Branch Continuity of Operations (COOP) [http://www.fema.gov/pdf/library/fpc65_0604.pdf]

j. Presidential Memorandum, Managing Government Records, November 28, 2011 [http://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records]

k. U.S. Environmental Protection Agency, Report on Managing Government Records, March 27, 2012. [http://intranet.epa.gov/records – click on "EPA's Response to Presidential Memo" under "Features"]

l. Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies, from The Office of Management and Budget and the National Archives and Records Administration, Managing Government Records Directive, August 24, 2012 [http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf]

m. The Presidential and Federal Records Act Amendments H.R. 1233, signed by President Obama, November 26, 2014.

6. POLICY

a. EPA's Responsibility and Commitment

As a regulatory agency charged with protecting human health and the environment, the EPA is committed to managing the Agency's records properly to comply with legal requirements and to support the Agency's mission. Records identification, management and access are essential in allowing the Agency to meet its mission. The accuracy and consistency of how records are identified, captured, stored and retrieved provide the cornerstone to the effective functioning and transparent operation of the Agency. EPA is required to preserve Agency records in accordance with applicable statutory and regulatory requirements and to facilitate access to information by EPA staff, partners, stakeholders and the public, as appropriate.

The Records Management Policy establishes specific requirements to effectively and efficiently identify, manage, search, retrieve and provide access to records throughout their lifecycle.

b. Creating and Receiving Records

According to the FRA, every federal agency is required to "make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities." Records contain the information that documents how EPA carries out its mission. The Agency's past and current work generates records. Records typically include information which is:

- Created in the course of doing Agency business;
- Received for action;

- Needed to document EPA activities and decisions;
- Required to support EPA's financial and other obligations and legal claims; or
- Communicated to assert EPA requirements or guidance.

All EPA staff generate and receive records and are legally required to maintain them.

Records document the Agency's business and can be found in all media such as paper, email, instant messaging (IM), text messages, telephone messages, voice mail messages, presentations, websites, social media (e.g., Facebook, Twitter, etc.), word processing documents, spreadsheets, and information systems. If electronic records are created using any of these media, they need to be transferred to an electronic records management system.

Not all information created or received constitutes a record. Non-records include reference material, supplementary or convenience copies, a draft document or working paper with no substantive comments, and personal information which is unrelated to EPA business.

Some records are transitory in nature, which means they are of short-term (180 days or less) interest, including in electronic form, and have minimal or no documentary or evidential value.

Official Agency business should first and foremost be done on official EPA information systems. The FRA now prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. These FRA requirements are designed to ensure that any use of a non-EPA information system does not affect the preservation of federal records for FRA purposes, or the ability to identify and process those records if requested under the Freedom of Information Act (FOIA), Privacy Act or for other official business (e.g., litigation, congressional oversight requests, etc.). EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending.

Additionally, EPA discourages the use of text messaging on a mobile device for sending or receiving substantive (or non-transitory) Agency records. However, EPA recognizes that some Agency staff perform time-sensitive work that may, at times, require the creation of substantive (or non-transitory) records in the form of text messages for emergency or environmental notification purposes. In those limited instances, staff must continue to save and manage any text message records related to their work, as discussed below.

c. Managing Records

Records are managed for the benefit of EPA and its staff, partners, stakeholders and the public. EPA is committed to maintaining and converting its records to electronic formats, where practical, to facilitate moving away from paper toward more effective and efficient electronic solutions. Non-transitory records should be stored in approved records management systems with records management capabilities or registered information management systems associated with an approved records schedule.

It is important not to use non-EPA systems to conduct Agency business, since such use could potentially lead to the mismanagement of Agency records and/or the unauthorized disclosure of Agency information. In the rare situation when a non-EPA messaging system must be used and a federal record is created or received on a non-EPA messaging system (such as a personal email account or personal mobile device), pursuant to the FRA, staff must either: (1) copy their EPA email account at the time of initial creation or transmission of the record, or (2) forward a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. Once the message is sent or forwarded to the EPA messaging system, you must save the record in an approved EPA electronic records management system. Once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA messaging systems, unless there is a specific obligation (such as a litigation hold) to maintain the files on all systems on which they appear.

Additionally, emails forwarding a news article or Web links from a personal email account to EPA's system and emails from EPA forwarding a document to a personal email account both create a copy of the email in EPA's email system. Users can then properly preserve the copy of the email record in a recordkeeping system to meet their preservation requirements, if needed.

Similarly, users of text messaging, instant messaging or other transient messaging technologies on EPA information systems are responsible for ensuring that messages that result in the creation of a substantive (or non-transitory) federal records are saved for FRA purposes and placed in a recordkeeping system. For example, if a text message on an EPA mobile device is received or sent that qualifies as a substantive (or non-transitory) federal record, it must be saved into an approved recordkeeping system. In order to comply with this requirement, you can forward the text message into the EPA system, so that you may then save it in an approved recordkeeping system such as EZ Email Records. When forwarding the text message from the mobile device to the EPA email system, be sure to include the time, date, subject, and sender/recipient of the message whenever possible. Guidance on how to email a text message from a mobile device to yourself is available at http://intranet.epa.gov/mobiledevices/pdf/Instructions-Saving-Text-Messages.pdf.

Instant messages (such as Lync chats) that constitute substantive (or non-transitory) records should also be saved into an approved Agency recordkeeping system. Guidance on how to save instant messages (Lync chats) is available at http://intranet.epa.gov/ecms/guides/im.htm.

d. **Access**

EPA records must be maintained in an appropriate manner, captured and organized to ensure timely search and retrieval for internal Agency use as well as for responses to outside inquiries. Sensitive records (e.g., sensitive personally identifiable information (SPII), and other Controlled Unclassified Information (CUI)) must be maintained with restricted access in accordance with statutory and regulatory requirements.

e. **Implementation**

Each office within EPA must establish and maintain a records management program with the following minimum requirements.

1. Create, receive and maintain records providing adequate and proper documentation and evidence of EPA's activities.

2. Manage records in any format (e.g., paper, emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) in accordance with applicable statutes, regulations, and EPA policy and guidance, including records schedules.

3. Maintain electronic records (e.g., emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) electronically in an approved electronic records system. Non-email electronic records, including electronic records that cannot be forwarded to and managed as an email record, should be saved in their native format in an organized way on an EPA network drive until an approved electronic records management system is available for desktop records.

4. Transfer or migrate records in paper and legacy electronic systems to approved or registered information management systems which are associated with a records schedule for manual management of disposition where practicable and when available. The Registry of Environmental Applications and Databases (READ) often captures information on systems which have a records schedule and require manual disposition.

5. Ensure that non-electronic records are managed appropriately in paper-based official recordkeeping systems which facilitate their preservation, retrieval, use and disposition, if they are not appropriate for scanning (or digitization).

6. Maintain records so they can be accessed by staff with a need to know the information for appropriate business reasons and maintained for the required retention period.

7. Secure records to protect the legal and financial rights of the government and persons affected by government activities.

8. Implement a plan to protect essential (vital) records and assess damage to and recover any records affected by an emergency or disaster (e.g., financial, legal and emergency operating records).

9. Ensure that instructions for the management and disposition of records as specified in the approved records schedules are followed.

7. RELATED DOCUMENTS

a. EPA Records Management Manual [http://www.epa.gov/records/policy/manual/index.htm]

b. Additional documents, including forms, guidance and other relevant information are maintained on EPA's records management website. [http://www.epa.gov/records/]

c. International Standard ISO 15489-1:2001 – Information and documentation – Records management – Part 1: General. [http://www.iso.org/iso/catalogue_detail?csnumber=31908]

d. International Standard ISO/TR 15489-2:2001 – Information and documentation – Records management – Part 2: Guidelines. [http://www.iso.org/iso/catalogue_detail.htm?csnumber=35845]

e. NARA Bulletin 2013-03: Guidance for agency employees on the management of federal records, including email accounts, and the protection of federal records from unauthorized removal. [http://www.archives.gov/records-mgmt/bulletins/2013/2013-03.html]

f. NARA Bulletin 2013-02: Guidance on a new approach to managing email records. [http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html]

g. NARA Bulletin 2012-02: Guidance on managing content on shared drives, December 6, 2011. [http://www.archives.gov/records-mgmt/bulletins/2012/2012-02.html]

h. EPA Privacy Policy, CIO 2151.0 [http://www.epa.gov/privacy1/policy/2151/index.htm]

i. EPA Guidance, Frequent Questions about E-Mail and Records [http://www.epa.gov/records/faqs/email.htm]

j. EPA Guidance, Managing Social Media Records - DRAFT - 12/05/12

8. ROLES AND RESPONSIBILITIES

a. The EPA's Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and Chief Information Officer (CIO). As mandated by the Presidential Memorandum of November 28, 2011, the Administrator is also responsible for designating a Senior Agency Official (SAO) at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring that the Agency efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy, and requirements of the OMB/NARA Directive of August 24, 2012 – Managing Government Records. The Administrator has designated the OEI AA/CIO as this SAO for records management.

b. OEI is responsible for leadership, planning, overall policy, guidance and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. OEI is responsible for the following:

   1. Incorporating records management requirements and policies into the Agency's overall information resources management (IRM) policy and planning.

   2. Designating an Agency Records Officer responsible for:

      - Leading and managing the Agency-wide national records management program.
      - Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities and requirements.
      - Advising EPA on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials.
      - Coordinating the approval of the Agency's records schedules and the transfer of records to NARA.
      - Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), NARA, and the General Services Administration (GSA).
      - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
      - Evaluating recordkeeping practices to determine the effectiveness of the program.
      - Obtaining NARA's Certificate in Federal Records Management.

3. Promulgating and communicating Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements.

4. Designating other records management staff as required by regulations or as deemed necessary.

5. Assigning overall responsibility for the records management aspects of centrally provided information technology infrastructure, including local area network applications.

6. Ensuring senior Agency officials are aware of their records management responsibilities.

7. Conducting periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.

c. Assistant Administrators, Chief Financial Officer, General Counsel and Regional Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors are responsible for the following:

1. Being an advocate for records management in their organization.

2. Personally demonstrating the importance of records management and ensuring their organization is aware of the importance of and processes for managing records.

3. Demonstrating their commitment to the proper management of records in their organization through appropriate means (e.g., sending out messages, being present during days devoted to records management, encouraging managers and staff to take records training).

4. Designating a Records Liaison Officer (RLO) accountable to the Information Management Official (IMO) or other official designated to oversee the program. The IMO or other official designated to oversee the program reports to the Assistant Administrators, Chief Financial Officer, General Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors on a quarterly basis.

5. Ensuring the RLO has adequate skills, resources, time and appropriate authority to perform the job.

6. Overseeing the implementation of a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and EPA policies and procedures. Minimum program components include responsibilities for:

    - Identifying recordkeeping requirements for major programmatic and administrative records.

    - Ensuring that records are identified, proper records schedules are assigned, and the records are properly stored.

- Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization.
- Drafting and updating records schedules for records created and maintained by the organization.
- Implementing approved records schedules to ensure records are not destroyed without proper authorization.
- Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary.
- Assisting in planning and implementing information management technology and reviewing the purchase of records management equipment and services to ensure they conform to federal statutory and regulatory requirements.
- Implementing an essential (vital) records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster.
- Providing records management briefings for all managers and training to staff within their organizations, as needed.
- Actively supporting managers, RLOs, staff and others in carrying out their records management responsibilities.

7. Developing records management oversight roles and communication networks with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction.
8. Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
9. Ensuring records and other types of required documentary materials are not unlawfully removed from EPA by current or departing officials, employees, or agents.

d. The General Counsel and Regional Counsel provide legal advice and counseling on records management issues as well as assist in determining the retention of Agency records that may be needed for legal purposes.

e. The Inspector General assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.

f. Managers and supervisors (Office Directors, Division Directors, Branch Chiefs, etc.) are responsible for:

1. Ensuring that a records management program is implemented within their organization.
2. Understanding and emphasizing the importance of records management to staff.

3. Designating selected staff as records contacts in order to meet recordkeeping requirements and responsibilities as described in this document.
4. Providing support, time, and resources for records contacts to successfully carry out their recordkeeping responsibilities.
5. Ensuring that the organization's file plans are current.
6. Obtaining training so that they and their staff can carry out their recordkeeping responsibilities.
7. Implementing an essential (vital) records program within the organization.
8. Participating in records program reviews and assessments and developing and implementing corrective action plans to address gaps.
9. Supporting initiatives to move from paper to electronic recordkeeping.
10. Ensuring that all records of separating employees have been identified, that temporary records that have met their retention are properly disposed of according to applicable records schedules, and that records that must be preserved have been assigned to other employees.

g. Headquarters, Regional, Laboratory/Center/Office RLOs are responsible for:

1. Creating and updating procedures for their offices in accordance with established EPA and program policies.
2. Performing evaluations of their records management and essential records program.
3. Developing file plans and procedures so records are organized and can be found when needed.
4. Assisting with disposition activities, including retirement of inactive records, transfer of permanent records to NARA, and destruction in accordance with approved records schedules.
5. Reviewing office-specific records schedules annually to ensure they are current, and initiating changes if not.
6. Ensuring sensitive records are protected in accordance with federal and EPA requirements, and making sure designated individuals maintain access lists to ensure such information is released only to authorized individuals.
7. Coordinating the identification and maintenance of essential (vital) records and submitting an annual inventory and certification of essential (vital) records through senior management to the Agency Records Officer.

8. Reviewing and verifying their organizations' section of the Federal Records Centers invoices on a monthly basis verifying the status of their off-site records and costs.

9. Conducting briefings and training sessions on the records management program.

10. Reviewing and recommending requests for records management equipment, services and supplies.

11. Obtaining NARA's Certificate in Federal Records Management.

12. Completing Records Management Training for RLOs and Records Contacts [http://intranet.epa.gov/records/training/rlo/index.html].

13. Organizing, maintaining and training a network of records contacts within the organization.

h. Records contacts are responsible for:

1. Working within their organization as a liaison between the RLO and staff to provide records management training, guidance and support.

2. Being qualified and active in records management issues and participating in records management training when resources are available.

3. Creating file plans specific to their organization.

i. Completing Records Management Training for RLOs and Records Contacts [http://intranet.epa.gov/records/training/rlo/index.html].Information resources and system managers are responsible for:

1. Working with the local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems.

2. Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems.

3. Ensuring that information systems intended to carry out electronic records management comply with NARA's and EPA's requirements for electronic recordkeeping systems (these requirements available on the NRMP Intranet site [http://intranet.epa.gov/records/]

4. Maintaining electronic information systems in accordance with approved records schedules and NARA requirements.

5. Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements.

6. Ensuring that EPA Internet and Intranet postings containing records are maintained in accordance with Agency recordkeeping requirements.

7. Ensuring that prior approval is obtained before the removal of SPII from the Agency network or facility.

8. Coordinating the handling of electronic records and information with the local RLO/records management program and legal office when appropriate.

j. Project Officers (PO)/ Contracting Officer Representatives (CORs) and Senior Employee Employment (SEE) program coordinators/monitors are responsible for:

   1. Creating and maintaining appropriate records of the management and oversight of their related projects, contracts, staff and SEE employees.

k. Continuity of Operations Program (COOP) planners are responsible for:

   1. Working with records management staff to implement the essential (vital) records plan to ensure the continuation of designated COOP essential functions.

   2. Ensuring that essential (vital) records are accessible from designated COOP locations.

l. All EPA employees are responsible for:

   1. Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.

   2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.

   3. Filing records for safe storage and efficient retrieval and maintaining and disposing of personal papers and non-record materials separately from records.

   4. Ensuring that when secondary email accounts for individuals, groups or systems are created for business reasons, the records thus created are appropriately managed.

   5. Identifying all records, in any format, in the employee's possession, and transferring them to another EPA custodian before separating or transferring to another organization. Note: Non-records and records which have met their disposition per appropriate records schedule should be destroyed unless subject to FOIA, litigation or audit. Records containing SPII must be shredded.

   6. Taking annual records management training and any other related training and participating in records management activities such as records management days, records clean-up days, etc.

   7. Contractors, grantees and others doing work on behalf of EPA are required to take annual records management training, as appropriate.

9. DEFINITIONS

Definitions can also be found on EPA's National Records Management Program Website at http://intranet.epa.gov/records/.

Approved Records Management System: An agency records management application approved for storing electronic federal records, including applications certified as compliant with the DOD 5015.2-STD standard or meeting the NARA standards for a records management application. Examples include EPA's Correspondence Management System and People Plus. [Need better example].

Authorized Federal Information Management System: A major information system managed by a federal agency which is used by other federal agencies. Records in these systems are managed by the agency owning the system. Examples include Concur, Employee Express and eOPF.

Destruction: In records management, the major type of disposal action. Non-records and records which have reached the end of their retention period per the appropriate record schedule can be legally destroyed. Records containing SPII must be shredded, pulped or burned, and never simply placed in the trash.

Disposition: The actions taken regarding records no longer needed for current government business. These actions include transfer to agency storage facilities or federal records centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. Disposition is the third stage of the records life cycle, and the actions taken regarding non-record materials when no longer needed, including screening and destruction.

Electronic messaging account: The term "electronic messaging account" means any account that sends electronic messages for purposes of communicating between individuals.

Official EPA Information System: Any information system that EPA employees are permitted to access, create, share, store or transmit information on for official government business.

Official Recordkeeping System: An "information management system which captures, manages and provides access to records through time" and can be electronic or paper-based, until an appropriate electronic recordkeeping system becomes available.

Records Schedule: Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule. A document that describes agency records, establishes a period for their retention by the agency, and provides mandatory instructions for what to do with them when they are no longer needed for current government business. The term refers to: (1) an SF 115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of federal records; (2) a General Records Schedule (GRS) issued by NARA; and (3) a printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS. (Source: 36 CFR 1220.14)

Registered Information Management System: An Agency electronic information system which has an associated records schedule or an information management system which holds records and is manually managed. Such EPA systems should be registered in the Agency's Registry of EPA Applications and Databases (READ) so they can be identified for scheduling, and the retention periods tracked. Examples include the Toxics Release Inventory Processing System (TRIPS), Safe Drinking Water Information System (SDWIS), and the Air Quality System (AQS).

Transitory Record: Records of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities. See NARA GRS 23/ EPA 167.

10. WAIVERS

a. **Waiver Process.** The Agency Records Officer may grant waivers to any provisions of this Policy for sufficient cause.

b. **Applications.** Applications for waivers to specific provisions should contain: (1) identification of the Policy provision; (2) a listing of reasons why the Policy cannot be applied or maintained; (3) an assessment of impacts resulting from non-compliance; and (4) the signature of the AA, RA or Laboratory/Center/Office Director, the Chief Financial Officer, the General Counsel, or the Inspector General responsible for the records management program in question.

c. **Notification.** The Agency Records Officer will notify the requesting office in writing of the decision on the waiver request within two weeks of receipt of the request. Circumstances will dictate whether the waiver may be renewed.

11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

Required procedures and implementation guidelines for this Policy are found on the records management website [http://www.epa.gov/records/]. Supporting procedures to implement this Policy at the Program Office or other Administrative level must be approved by the Agency Records Officer in OEI.

12. MATERIAL SUPERSEDED

CIO 2155.2: Interim Records Management Policy, Dated 06/28/13

EPA *IRM Policy Manual*, Chapter 10, 1996

Vital Records Order (Order 2160.1)

13. ADDITIONAL INFORMATION

For further information about this Policy, please contact the EPA Office of Environmental Information, Office of Information Collection.

Renee P. Wynn
Acting Assistant Administrator for Environmental Information
and Chief Information Officer
U.S. Environmental Protection Agency

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(b) (5)

[redacted]

(b) (5)

8

FAQ - Destruction of EPA Records

- What are federal records (also known as Agency records)?
- What are "temporary" and "permanent" records?
- What are records schedules?
- What are my records management responsibilities?
- What are EPA programs' record management responsibilities?
- What laws enable EPA to destroy Agency records?
- What does it mean to properly "destroy" Agency records?
- Why does EPA destroy Agency records?
- When can Agency records be destroyed?
- How should records be destroyed?
- Do I need to track or memorialize the destruction of on-site records?
- How do I manage destruction of records stored at the Federal Records Center (FRC)?
- Can I delay the destruction of my records?
- What should I do with convenience copies of records scheduled for destruction?
- What should I do if records are accidentally destroyed before their retention period ends?
- Can I destroy paper records after they have been converted to scanned images?
- Can records be removed from the agency?
- Where can I go for additional guidance?

What are federal records (also known as Agency records)?

Federal records are defined as:

"...documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation...as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them."

This intentionally broad definition helps to ensure sufficient documentation of Federal Government activities. Also, be aware that "preservation" does not always mean permanent preservation, and some documents are Agency records even if they have short retention periods.

When deciding if a document merits retention, be sure to reference and apply the definition of a Federal record (Agency record). Remember, Agency records include both final products and documentation supporting the decision trail.

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What are "temporary" and "permanent" records?

Temporary records are disposable or nonpermanent, as described in the Agency records schedules (see question below). Temporary records are important for conducting Agency business, but they are not needed for long-term documentation of Agency activities.

Some temporary records are transitory in nature, which means they are of short-term (180 days or less) interest, including in electronic form, and have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities.

Permanent records have long-term value. The National Archives and Records Administration (NARA) is responsible for determining which records are permanent. After a prescribed retention period, EPA transfers permanent records to NARA's custody. Permanent records may only be destroyed in cases where the records are a continuing menace to health, life or to property (36 CFR § 1229.10). If records fall into this menace category, contact the EPA Records Officer and specify the description of the records, their location and quantity, and the nature of the menace. The EPA Records Officer will contact NARA to obtain authorization to destroy the records.

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What are records schedules?

Records schedules provide mandatory retention and disposition instructions for records. Records schedules indicate how long a document must be kept before it is transferred to a Federal Records Center, destroyed or transferred to NARA for permanent preservation. Non-records include reference material, supplementary or convenience copies, draft documents or working papers with no substantive comments.

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What are my records management responsibilities?

You have three specific records management responsibilities:

1. Create records sufficient to document your activities;
2. File records for safe storage and efficient retrieval; and
3. Follow the retention and disposition guidance specified in the schedules and the recordkeeping requirements documented for your organization within EPA. Employees may not destroy or remove records except in accordance with the approved schedules.

If no other preservation requirements apply to the records, you do not have to retain records beyond the requirements listed in the records schedules. Agency records may be subject to preservation requirement such as current and anticipated litigation holds, Freedom of Information Act (FOIA) requests, and Congressional records requests even when retention is not mandated by the records schedules.

If Agency records have been properly destroyed in accordance with the records schedules, no attempt need be made to reproduce such records for subsequent records requests (such as FOIA).

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What are EPA programs' record management responsibilities?

EPA has a National Records Management Program (NRMP), and each program office and regional office has a Records Liaison Officer (RLO).

The program offices' and regions' records management programs are responsible for ensuring that the Agency's legal, financial, evidentiary and historical transactions are recorded accurately and completely. EPA must document and preserve the historical and nationally important events that have taken place as a result of the agency's leadership and support.

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What laws enable EPA to destroy Agency records?

The Federal Records Act of 1950, as amended, establishes the framework for records management programs in Federal agencies. As the primary agency for records management oversight, NARA is responsible for assisting Federal agencies in maintaining adequate and proper documentation of policies and transactions of the Federal Government.

Federal records may only be destroyed in accordance with the procedures described in 44 U.S.C. Chapter 33, Disposal of Records. Under the Disposal Statute, NARA approves a records disposition schedule that governs and allows the destruction of some Agency records. NARA also issues a General Records Schedule (GRS) that authorizes the disposal of some temporary records common to most Federal agencies. Additionally, with NARA's approval, EPA develops its own agency record schedules that are tailored to EPA's agency-specific records that are not specified in NARA's broader GRS.

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What does it mean to properly "destroy" Agency records?

The proper destruction of a record occurs when a temporary record that is eligible for final disposition is rendered unreadable or unusable through approved destruction methods (e.g., recycling, digital or physical shredding, pulping, etc.)

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Why does EPA destroy Agency records?

The destruction of temporary Agency records is an essential part of a good records management program.

Destroying temporary records aids in:

- freeing office space and equipment,
- reducing storage costs,
- improving efficiency and productivity, and
- ensuring regulatory compliance.

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When can Agency records be destroyed?

Records are destroyed if they are no longer subject to a retention period outlined in the disposition instructions of an applicable EPA records schedule and if the records are free from all other preservation obligations. Only final, approved schedules can be used to authorize the destruction of records.

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How should records be destroyed?

Common destruction methods include:

- recycling,
- pulping,
- shredding,
- digital shredding (i.e., overwriting data so it is unreadable),
- demagnetization, and
- physical destruction of electronic media.

When destroying Agency records that contain restricted information, such as personal identifiable information (PII) (e.g., Social Security numbers, dates of birth), financial information (e.g., account numbers), Privacy Act information (e.g., human resources and personnel records), and confidential business information (CBI) (e.g., trade secrets), take extra care to ensure the records are definitively destroyed. If restricted records are destroyed by an outside contractor, then the destruction must be witnessed by a federal employee or an EPA approved contractor (36 CFR 1226.24).

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Do I need to track or memorialize the destruction of on-site records?

Yes. Use the EPA Records Destruction Form to memorialize the destruction of on-site temporary records (use form for destruction of all record formats including paper and electronic.) Use the form to provide the following information:

- the records schedule and disposition item used to authorize the destruction;
- identifying information for the record (e.g., title, description, date range);
- the date the records were closed;
- the date and method of destruction;
- approval signature from the records custodian (i.e., the person legally responsible for the records);
- approval signatures from other authorizing officials as outlined in your office's recordkeeping requirements (e.g., Division Director, Branch Chief, RLO);
- the name and signature of the person destroying the records; and
- the name and signature of an authorized witness, if required.

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How do I manage destruction of records stored at the Federal Records Center (FRC)?

The FRC will initiate the destruction of records at the end of their retention period. The FRC will contact the Agency 90 days before records are destroyed. The agency must respond to the FRC within 20 working days indicating either concurrence or objection to the destruction.

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Can I delay the destruction of my records?

Yes. If your records are involved with any pending actions (e.g., litigation, FOIA request, audit, records schedule revision), you can request a delay until the completion of the pending action.

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What should I do with convenience copies of records scheduled for destruction?

Convenience copies of records kept for reference purposes are considered non-records. Do not keep convenience copies beyond the destruction date of the record copy.

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What should I do if records are accidentally destroyed before their retention period ends?

If records are accidentally destroyed, work with your Records Liaison Officer to provide a report to the Agency Records Officer (ARO) that includes:

- a complete description of the records;
- the volume of the records destroyed;
- the office of origin;
- an explanation of the circumstances involving the unauthorized destruction;
- a description of actions taken to salvage, retrieve or reconstruct the records; and

- a statement of safeguards taken to prevent future losses. See: (44 U.S.C. Chapter 31)

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Can I destroy paper records after they have been converted to scanned images?

Yes, but you must follow the guidance below.

Temporary records

Temporary paper records may be destroyed after they have been converted to scanned images and reviewed for quality. (EPA Records Schedule 1012, item e, General Records Schedule (GRS) 4.3, item 010)

Permanent records

Permanent paper records stored at the FRC may be destroyed after the records have been scanned and reviewed for quality and the following steps are successfully completed (EPA Records Schedule 1012, item f, GRS 4.3, item 011):

- The Headquarters Program Office or Regional Records Liaison Officer (RLO) completes and forwards NARA's Notification for Previously Scheduled Permanent Electronic Records (46KB PDF, About PDF) and the Agency Certification of Compliance with NARA Transfer Requirements, Scanned Images of Textual Records (32KB PDF, About PDF) to the Agency Records Officer (ARO), John Ellis.
- The ARO reviews and forwards the forms to the Office of General Counsel (OGC) for review.
- After OGC concurrence, the ARO submits the forms to NARA.

Imaged permanent records must meet NARA's technical standards for eventual transfer to the National Archives. See also NARA Bulletin 2010-04 Guidance Concerning Notifications for Previously Scheduled Permanent Records.

Paper records cannot be destroyed until 60 days have elapsed from the date of the notification. NARA may request records be kept longer if they need additional information. NARA may also request that the hard copy also be retained when the original records warrant retention (e.g., records where questions about authenticity may arise, records that are closely linked with major historical events).

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Can records be removed from the agency?

Federal law (44 U.S.C. Chapter 31) requires agencies to establish safeguards against the removal or loss of Federal records. These safeguards include notifying agency officials that:

- Criminal penalties may be imposed for the willful and unlawful destruction, removal, or private use of Federal records.
- Heads of Federal agencies are required to notify the Archivist of the United States of any actual or threatened unlawful removal or destruction of records in their custody.
- Agencies are also required to ensure that departing officials do not remove records from Agency custody.

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Where can I go for additional guidance?

If you have additional questions about destroying your records, contact your program office or region Records Liaison Officer (RLO), or the National Records Management Program Help Desk.

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Employee Mobile Device Acknowledgement Form (Page 1 of 5)

EPA PROPERTY DECAL #/ IMEI # (EXCEPT NEW DEVICE ORDERS): ____________________

This form is being completed to authorize a (check one only):

1. DEVICE UPGRADE/REPLACEMENT (RETURN OF OLD DEVICE AND ASSIGNMENT OF NEW DEVICE) ___
2. NEW DEVICE (NO OLD DEVICE, ASSIGNMENT OF NEW DEVICE) ___
3. DEVICE RETURN (RETURN OF OLD DEVICE, NO NEW DEVICE ASSIGNED) ___
4. DEVICE WITH NO CONTENT CAPACITY (E.G. AIR CARDS, ACCESSORIES) ___
    - SIGNATURE OF ORDERING OFFICIAL FOR DEVICE WITH NO CONTENT CAPACITY – NO FURTHER ACTION REQUIRED: ____________________

The signed copy of this notice is to be stored in the EPA's eBusiness system with the record for the associated device. In cases where the device is being replaced with a new device, the new device cannot be issued until the MD Acknowledgement form for the previous device is received.

INSTRUCTIONS (TO BE COMPLETED FOR ACTION 1-3 ABOVE):

1. EMPLOYEE MUST READ ALL INFORMATION IN BOX 1 BELOW
2. EMPLOYEE MUST SIGN ATTESTATION IN BOX 2 BELOW
3. UPLOAD COMPLETED FORM TO EBUSINESS
4. PROVIDE DEVICE TO EMPLOYEE/ACCEPT DEVICE FROM EMPLOYEE WITH A SIGNED COPY OF THE MD ACKNOWLEDGMENT FORM

BOX 1

Employee Mobile Device Notice

You Have No Expectation of Privacy for Any Activity on this Device

You are accessing a U.S. Government information system, which includes: (1) this mobile device, (2) any U.S. Government network you connect to with this device, and (3) all devices and storage media attached to this network or to a computer or mobile device on this network. This information system is provided for U.S. government-authorized use only. Unauthorized or improper use of this system or your EPA email address may result in disciplinary action, as well as civil and criminal penalties. By using this information system you understand and consent to the following: You have no reasonable expectation of privacy regarding any communications or data transiting or stored on this information system. You are not to backup records to personal email accounts, devices, or personal files. At any time, the government may for any lawful governmental purpose monitor, intercept, wipe or reset, search and seize any communication or data transiting or stored on this information system. Any communications or data transiting or stored on this information system may be disclosed or used for any lawful government purpose.

EPA reserves the right to install or update a mobile device management software to secure, monitor, manage and support mobile devices deployed across the Agency.

You Have a Duty to Retain Records

This device is subject to EPA's Records Management Policy, CIO 2155.3 (approved February 10, 2015). You have an obligation to preserve agency records transmitted or stored on this device in the course of official agency business that may be subject to preservation or production requirements under the Federal Records Act, the Privacy Act, the Freedom of Information Act, litigation holds, or court preservation orders. Such records may include, but are not limited to, text messages, email messages, voicemail messages, photographs, call logs and calendar entries. Before returning this device, you must ensure that you have met your duties to preserve such information.

Employee Mobile Device Acknowledgement Form (Page 2 of 5)

Box 1 Cont.

Notice to Users who are returning mobile devices: You have an obligation to preserve all records for the purposes listed or described in the above paragraph that are located on your current mobile device(s). By accepting this new device and by signing this notice, you hereby attest that you have met your obligation to preserve all such records before such devices are returned to the Agency. Knowing or willful misrepresentation with respect to these matters may subject you to administrative, civil, or criminal penalties.

(**Note**: Records may be preserved by forwarding them to your EPA email account and filing them using EZ Records, or copying, saving, downloading or otherwise transferring and reproducing them to an EPA system.)

Quick Reference Guide, How to Save Text Messages:
http://intranet.epa.gov/mobiledevices/pdf/Instructions-Saving-Text-Messages.pdf

Mobile and Portable Devices, and Records:
http://intranet.epa.gov/records/faqs/pda.html

Limited Personal Use of Government Equipment

Use of this device is subject to EPA's Limited Personal Use of Government Equipment Policy, CIO 2101.0. You cannot use this device for any unlawful purpose or for any purpose prohibited by EPA policy. Prohibited activities include but are not limited to pornography, gambling, political activity, charitable fundraising, or compensated outside activity.

Specific Rules Regarding Mobile Devices and Mobile Device Software

As a user of a government-issued mobile device, YOU ARE PROHIBITED from modifying the operating system and default storage or security settings and from downloading any software (also known as applications or "Apps") solely for personal use or entertainment on this device. Do not modify the default setting for retention of text messages on this device.

You are prohibited from expending any non-appropriated funds (e.g., your personal money or the funds of a third party) to acquire or download any software, tools, data, applications, or other goods or services onto this device, for governmental purposes.

You are prohibited from downloading any Apps that are not included in the EPA App Catalog on your mobile device. Apps listed in the App Catalog have been approved for Agency authorized use.

Additional policies and procedures, particularly regarding the use of social media, may be found in EPA's Web Guide, http://www2.epa.gov/webguide/policies-and-procedures#governance and the Managing Social Media Records Procedure, http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2155-P-06.pdf.

Personal Property Policy

This device is subject to EPA's Personal Property Policy and Procedures Manual, No. 4832. EPA may hold its employees liable for the loss, damage, or destruction of government personal property or for the unauthorized use of equipment. 5 U.S.C. § 301.

Employee Mobile Device Acknowledgement Form (Page 4 of 5)

Required for all instances of lost, stolen, or broken devices: **Box 2 Cont.**

Please provide a brief description of your use of the device, including any potential agency records, as described above, that may have been present on the device when lost, stolen or broken, and a description of the circumstances surrounding the loss including approximate date of loss. By signing below, you certify that this description is true and correct to the best of your knowledge and belief:

____

____

____

____

____

Print Name

Supervisor's Name: ____________________

____

Employee Signature

____

Date

For Supervisors and/or RLOs: Required for instances when employee is unable to certify that records are managed:

You are required to manage any records and/or content on this device! Before the device may be canceled / repurposed, you will need to contact EZ-Tech or your local helpdesk to reset the device password. At that point, you will be required to manage any records and/or content on the device required for preservation and certify below. Litigation hold information can be obtained at the OEI-OEIP Intranet site (http://intranet.epa.gov/ediscovery) or by contacting your Records Liaison Officer.

Please note that eBusiness will be unable to process a cancellation for any device without this signed certification form.

I hereby attest that, I have met my obligation to preserve agency records transmitted or stored on this device in the course of official agency business that may be subject to preservation or production requirements under the Federal Records Act, the Privacy Act, the Freedom of Information Act, litigation holds, or court preservation orders. By signing below, I attest that all such records have been preserved on EPA systems in a manner consistent with EPA guidance and are not solely preserved on this mobile device.

____

Print Name (Supervisor/RLO)

____

Supervisor/RLO Signature

____

Date

If you are unable to reset the password, please provide a brief description of the reason(s) that you are unable to certify as to the use and management of content on this device.

____

____

____

____

Employee Mobile Device Acknowledgement Form (Page 3 of 5)

Security Notifications **Box 1 Cont.**

As covered in EPA's information security policy, you are responsible for:

- Knowing information security requirements associated with the use of mobile devices.
- Ensuring the physical security of mobile devices (e.g., do not check with luggage or leave unattended).
- Promptly contacting your Information Security Officer (ISO) and the EPA Call Center in the event a mobile device is lost or stolen.
- Promptly contacting your ISO and the EPA Call Center in the event of a suspected or actual information breach.

International Travel

In order to safeguard EPA's information and systems, all employees, contractors, and other users are required to follow the Agency's International Travel Procedure for Mobile Devices while on international travel, including the specific requirements for high risk locations. (http://intranet.epa.gov/oeiintra/imitpolicy/qic/ciopolicy/CIO-2150.3-P-18.1.pdf)

BOX 2

Your obligations and attestation

Required for all new devices and transfers:
By using this device, you acknowledge that you understand and will comply with the terms set forth above.

____
Print Name

____________________ __________
Employee Signature Date

Required for employees returning devices:
I hereby attest that I have met my obligation to preserve agency records transmitted or stored on this device in the course of official agency business that may be subject to preservation or production requirements under the Federal Records Act, the Privacy Act, the Freedom of Information Act, litigation holds, or court preservation orders. By signing below, I attest that all such records have been preserved on EPA systems in a manner consistent with EPA guidance and are not solely preserved on this mobile device.

____
Print Name

____________________ __________
Employee Signature Date

Employee Mobile Device Acknowledgement Form (Page 5 of 5)

Box 2 Cont.

Final disposition decisions regarding unmanaged content and/or inaccessible devices must be made on a case-by-case basis, depending on factors such as the likely content of the device and role of the individual(s) who used the device. Please contact your Records Liaison Officer and/or counsel to determine next steps. Next steps may include additional documentation or, in some cases, contacting the National Records and Archives Administration and/or the Department of Justice for advice on appropriate disposition of unmanaged devices.

____
Print Supervisor Name

______________________________ ____________
Supervisor Signature Date

EPA Policies and Procedures Referenced in this Document

Mobile Computing Management Policy: http://intranet.epa.gov/oeiintra/imitpolicy/qic/ciopolicy/CIO-2150.4.pdf

Mobile Computing Management Procedures: http://intranet.epa.gov/oeiintra/imitpolicy/qic/ciopolicy/CIO-2150.4-P-01.1.pdf

Records Management Policy: http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/CIO-2155.3.pdf

EPA's Limited Personal Use of Government Equipment: http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf

EPA's Web Guide: http://www2.epa.gov/webguide/policies-and-procedures#governance

International Travel Procedure for Mobile Devices: http://intranet.epa.gov/oeiintra/imitpolicy/qic/ciopolicy/CIO 2150.3 P-18.1.pdf

Terms of Service Agreements: http://www2.epa.gov/webguide/terms-service-agreements

Managing Social Media Records Procedure: http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2155-P-06.pdf

EPA's App catalog exported to Excel April 19, 2017

ID	Application Name	Platform	Ver
144	JouleBug	Both (iPhone/iPad)	4.1.5
18	ERG 2016		2.0.3
78	Chemical Compatibility Database		1.03
134	Alternative Fueling Station Locator	iPhone	1.0.2
130	EPA Indoor airPLUS	Both (iPhone/iPad)	2.6
132	EPA's SunWise UV Index	Both (iPhone/iPad)	4.1
131	EPA AIRNow	iPhone	1.1
128	EPA Indoor Air Quality Tools	Both (iPhone/iPad)	2.0
129	EPA iWARM	iPhone	1.0
133	ConcurGov	Both (iPhone/iPad)	1.4
91	ManageBridge (formerly Everbridge Mobile Manager)	Both (iPhone/iPad)	5.0.0
2	Z5 Mobile (ZVRS)	Both (iPhone/iPad)	11
21	RadResponder	Both (iPhone/iPad)	
16	ESRI ArcGIS Explorer App	Both (iPhone/iPad)	10.2.8
3	Convo Mobile	Both (iPhone/iPad)	2.1.6
19	HazmatIQ eCharts		
6	FileMaker Go		
17	WISER		
15	ESRI ArcGIS Mobile	Both (iPhone/iPad)	10.1.2
14	ESRI Collector App	Both (iPhone/iPad)	10.3.3
118	MaaS360 for iOS	Both (iPhone/iPad)	
117	Hackpad for iOS	Both (iPhone/iPad)	
116	Twitter	Both (iPhone/iPad)	
115	Meetup	Both (iPhone/iPad)	
114	YouTube	Both (iPhone/iPad)	
113	Vine	Both (iPhone/iPad)	
112	SurveyMonkey	Both (iPhone/iPad)	
111	Scribd	Both (iPhone/iPad)	
110	Alien Blue - reddit official client	Both (iPhone/iPad)	
109	Pinterest	Both (iPhone/iPad)	
108	OPM Alert	Both (iPhone/iPad)	
107	Instagram	Both (iPhone/iPad)	
106	CodeHub - A Client for GitHub	Both (iPhone/iPad)	
105	Google+	Both (iPhone/iPad)	
104	Flickr	Both (iPhone/iPad)	
103	Facebook	Both (iPhone/iPad)	
102	Eventbrite	Both (iPhone/iPad)	
101	Bitly	Both (iPhone/iPad)	
31	Smart Traveler		

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ECMS
Managing Our Information Assets

Records Management Training for E-Mail

The Federal Records Act requires that all agencies train their employees on managing federal records. Accordingly, the training that follows is designed to provide the **basics** of records management as it pertains to e-mail. It will enable you to begin to identify the difference between an e-mail that is a record and an e-mail that is not a record.

This training is presented in two modules. The first module addresses records management practices, primarily as they relate to e-mail. The second module provides instructions for using the **Enterprise Content Management System** (ECMS), the Agency's new electronic recordkeeping application. This module is currently not available but will be made accessible prior to ECMS's deployment. You will be notified when to take the ECMS training.

Note: Each chapter lesson must be viewed in proper sequence. If you must exit training prior to its completion, the system will allow you to access the beginning of the last chapter opened, as well as any chapter already viewed.

To move between pages use the 'Next' button and when available, the 'Back' button on the menu to the left.

Although this training will provide you with the **basics** of records management, you can find:

- Additional information on records management policy and guidance, along with other tools on the National Records Management Program (NRMP) Web site: https://www.epa.gov/records.
- Frequently asked questions about e-mail and records at https://www.epa.gov/records/faqs.
- Records management assistance through headquarters and regional Records Liaison Officers (RLOs), as well as the National Records Management Program.

Records Liaison Officers are responsible for implementing a records management program within their organizations in order to accomplish the objectives identified in federal regulations and EPA policies and procedures. They are also your first point of contact for records-related issues. If you don't know who the Records Liaison Officer is for your office or region, please go to one of the following links:

- For Headquarter offices click here: http://www.epa.gov/records/people/
- For Regional offices click here: http://www.epa.gov/records/people/region.htm
- For Lab offices click here: http://www.epa.gov/records/people/labs.htm

Are you a 'records manager'?

Do you have records management responsibilities?

True or False

If you answered True -
You NAILED it!

YES! You *do* have responsibility for managing documents that may be records.

As an employee or a contractor* to EPA, you are required to:

- Create records that document your activities and decisions;
- File records for safe storage and efficient retrieval in accordance with the Agency's policies and guidance;
- Manage, transfer, and/or destroy records according to the appropriate EPA records schedule.

* This includes contractors and grantees with records management responsibilities in their contract or grant.

If you answer False – This not correct:
No. No. No. You may think someone else whose formal title is Records Manager must manage records and their storage,

but....

no matter what your employment status is with the Agency, **EVERYONE** who works for the EPA (employee, contractor, or grantee) has record management responsibilities! **EVEN YOU!!!**

As an employee or a contractor* to EPA, you are required to:

- Create records that document your activities and decisions;
- File records for safe storage and efficient retrieval, and with the assistance of your RLO (Records Liaison Officer) and the oversight of the Agency's National Records Management Program (NRMP);
- Manage, transfer, and/or destroy records according to the appropriate EPA records schedule.

* This includes contractors and grantees with records management responsibilities in their contract or grant.

Chapter 1: Introduction.

Objective: **To explain your records management role and responsibilities**

All of the Federal government, not just EPA, must maintain records of its activities, particularly those records that are unique or represent valuable information on programs, policies, decisions, directives, and government actions.

Your role in managing federal records is essential!

Therefore, YOU are responsible for determining if a document, e-mail message, or other information or material you create or receive, should be maintained as a record by the Agency. In some situations, you may even need to create a record to document a conversation or phone message if the content meets the definition of a record and is not being maintained elsewhere.

As part of your records management responsibilities, **you are required to preserve and maintain records in an approved recordkeeping system**. An approved recordkeeping system is a system, either paper-based or electronic, that:

- Collects, organizes, and categorizes records; and
- Facilitates their preservation, retrieval, use, and disposition.

By the way, a trash can is not an approved recordkeeping system. ☺

* *

Capturing the Agency's records is very important because it:

- Contributes to the smooth operation of EPA's programs by making information needed for decision making and operations readily available;
- Provides a complete record of EPA's official actions; and
- Ensures accountability with the Administration.

To help you do this, EPA has a certified electronic recordkeeping system for you to use!

The Enterprise Content Management System (ECMS) is EPA's enterprise-wide electronic recordkeeping system.

It allows all employees and contractors to easily file e-mail records and to find and retrieve them as needed. ECMS manages records for as long as required according to their respective records schedule.

You will find detailed instructions for filing e-mail records in ECMS in the second part of this training program.

* *

The following exercises highlight some of the important things you need to remember from the chapter you just read. Let's see what you can recall.

1.1 Select the answer below that best describes why your records management responsibilities are essential:

A. You are the one that must make the decision if an e-mail is a record.

B. You must preserve records in a recordkeeping system.

C. ECMS will only help with records management if you use it.

D. You actually create, receive or have other records management responsibilities.

E. All of the above.

If you answered A. B. C. or D then
Yes, you are partially correct.

BUT there are more things that make your role related to records management so important to the Agency. In fact each of the answers listed supports proper records management:

1. You are the one who must make the decision if an e-mail is a record.
2. You must preserve records in a recordkeeping system otherwise they may be lost forever.
3. ECMS will only help with records management if *you use it*.
4. You actually create and/or receive records.

If you answered E
Yes, you are right.

* *

1.2. EPA's electronic recordkeeping system is called the Enterprise Content Management System (ECMS.)

True or False

If you answered True -
You are **Correct.**

ECMS is the acronym for the Agency-approved records management system. This system will help you with your records management responsibilities.

ECMS will allow you to file e-mail directly from Lotus Notes. This relieves you of the responsibility of having to remember when to dispose of records, or transfer them to the National Archives and Records Administration ("NARA")

If you answered False –
Sorry, this is true. – see above for correct answer

* *

Chapter 2: What is a Record?

Objective: To provide an understanding of what constitutes a Record.

So, you may be asking, exactly *what is* a record?
When is an e-mail a record?
When is an e-mail not a record?
And, what part of the e-mail is the record?

The Law:
Federal records are defined in 44 U.S.C. §3301 and further clarified in NARA regulation 36 CFR §1222.12 as follows:

All books, papers, maps, photographs, machine readable materials, or other documentary materials, **regardless of physical form or characteristics, made or received by an agency** of the United States government under federal law **or in connection with the transaction of public business** and preserved or appropriate for preservation by that agency or its legitimate successor **as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government** or because of the informational value of data in them.

Whew! What a mouthful. So what does this ***really*** mean?
A record is simply any information (paper, e-mail, photograph, etc.) that you need to preserve in order to explain, justify, or document some type of action taken or decision made relative to your responsibilities at EPA.

Let us explain in a bit more detail and break our explanation into bite-sized pieces.....

"Regardless of Physical Form or Characteristics"

Records are not limited to paper documents. Records exist on all types of media.

You may tend to think of records as the traditional paper documents stored in files. But records are not just limited to paper documents. Records consist of any recorded information, regardless of the media on which they are recorded. E-mail messages can therefore be records, as well as photographs, maps, or artifacts such as a lab sample.

* *

Made or Received by an Agency ... or in Connection with the Transaction of Public Business"

Records are documents or any information that are created or received by an agency.

A document that the Agency receives from an outside party can also constitute an Agency record. The following are all examples of Agency records, even though they are received from outside parties.

- Documents submitted to the Agency by a regulated industry in response to an EPA regulation;
- Contract deliverables;
- Invoices from vendors for services provided to EPA; and
- Minutes of meetings with outside parties when the meeting minutes are prepared and distributed by the outside party

* *

"As Evidence of the Organization, Functions, Policies, Decisions, Procedures, Operations or Other Activities of the Government"

Records serve as the official documentation of the Agency's policies, decisions, and operations.

Therefore, the records that you create or receive pertaining to your job as an EPA employee or contractor are the property of the Agency and must be managed in accordance with Federal regulations and Agency policy.

When is an e-mail a record?
That is the question!

As you know, not all documents are records, and this applies to e-mail as well. The majority of your e-mails may not be records. Generally, an e-mail you receive that does not require an action on your part (i.e., an action required in the performance of your duties as an EPA employee or contractor) or help make a decision is not a record.

Basically, an e-mail is a record if it helps explain, justify, or document some type of action you have taken or decision you have made relative to your responsibilities at EPA. If that's the case, it's a record and you need to save it in a record keeping system.

A complete e-mail record must contain:

- The transmission data, which includes:
  - When the message was sent

  - ➢ When the message was received.
  - ➢ Who sent the message.
  - ➢ Who received the message.

- ◆ The body of the email; and
- ◆ Any attachments to the e-mail.

* *

The following exercises highlight some of the important things you need to remember from this chapter. Let's see what you can recall.

2.1. The Federal Records Act applies to records created or received via e-mail as well as to records on paper and other forms of media.

True or False

If you answered True:
Correct!

"Records" includes all books, papers, maps, photographs, **machine readable materials**, or other documentary materials, **regardless of physical form** or characteristics, made or received by an agency (44 U.S.C. §3301).

If you answered False:
No, this statement is actually true. See above for the correct answer

* *

2.2 Records are only documents that you receive.

True or false

if you answered True:
The statement that records are "only documents you receive" is False.

The definition of a record is any document or information, and in this case an e-mail, which is "...made or received by an agency of the United States government under federal law or in connection with the transaction of public business ...by that agency." A record must be relevant to Agency business.

If you answered False:
You are Correct! The statement that records are only documents you receive is False.

* *

2.3. Records may be e-mails received from other agencies and outside parties.

True or False

If you answered True:
YES! Records may be received from other agencies and outside parties.

EPA does business with many other government agencies and lots of 'non-government' entities so the e-mail to and from these outside parties CAN be records.

If you answered False:
Well.... Read the statement again....

Records may be received from other agencies and outside parties...
This statement is actually TRUE.

* *

2.4. What are the four elements that constitute 'transmission data' and should be saved as part of the e-mail record?

A. Who sent the message? When was it sent? Who received the message? When was it received?
B. Who sent the message? Why was it sent? Was it received on time? What is the return address?
C. Who sent the message? Where was it sent? What was it about? Who read it?

If you answered "A"
You're right; the answer is A.

Transmission data includes:

1. Who sent the message.
2. When the message was sent.
3. When the message was received.
4. Who received the message.

If you answered "B, or C"
No, the answer is A.

* *

2.5. Which of the following are found in the legal definition of a record?

A. All books, papers, maps, photographs, machine readable materials, or other documentary materials

B. Regardless of physical form or characteristics

C. Made or received by an agency in connection with the transaction of business

D. Preserved or appropriate for preservation

E. As evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government or because of the informational value or data in them.

F. F. All of the above

If you answered "A, B, C, D or E"
You're going to have to go back to school on this one.

You are partly correct BUT **not TOTALLY** correct.....The correct answer was **ALL OF THE ABOVE.**

Remember, the legal definition of a record is:

All books, papers, maps, photographs, machine readable materials, or other documentary materials, **regardless of physical form or characteristics, made or received by an agency** of the United States government under federal law or in connection with the **transaction of public business** and **preserved or appropriate for preservation** by that agency or its legitimate successor **as evidence of the organization, functions, policies, decisions, procedures, operations**, or other activities of the government or because of the informational value of data in them.

* *

Chapter 3: Can e-mails be Records, too?

Objective: **To help you decide when an e-mail is a record.**

Yes!
E-mails can be records.
Let's find out how.

To determine whether an e-mail message is or is not a record, ask yourself the following questions each time you create or receive an e-mail message:

If you answer yes to either of these questions, the e-mail is a record.

- Did I create or receive the e-mail in my capacity as an EPA employee or contractor to document a decision, instructions, or course of action I took, or need to take, on behalf of EPA?
- Do I need to keep the e-mail to document a decision, instructions, or course of action I took, or need to take, on behalf of EPA?

When you ask those two questions about the kinds of e-mail described below, you will find that they are not records:

- Mass Mailings. Most mass mailings are sent to provide you with information and clearly require no action on your part. Some mass mailings notify you of Agency events such as award ceremonies, special emphasis programs, and CFC campaigns and ask for your attendance or participation. However, the action on your part is voluntary; it is not required. These e-mails are also generally not records.
- Meeting Minutes. Minutes of meetings you receive for informational purposes only are not records.
- Extra copies of e-mail records that you keep only for convenience or reference;
- E-mails documenting outside business, professional, or political activities; and
- E-mails that is personal such as messages, notes, appointments, and other correspondence **not** relating to your EPA responsibilities.

To help you better understand the process of determining whether an e-mail is a record, we have included five real-life scenarios that cover common situations that you will regularly encounter.

* *

But first, let's see if you, playing the role as the recipient, can identify the e-mail record below.

Choose the correct e-mail and then move on to the next page!

Joe: I have reviewed the deployment plan and am approving it. Please let me know if any of the dates change.	HQ Mass Mailer: Please be advised there are demonstrations planned for Oct. 2 and certain streets will be closed. These street closures may affect your commute.	Hey Susie, Missed you at coffee this morning. Are you going to the concert at lunch today?

If you chose the e-mail to "Joe" you chose the e-mail that is a record.

* *

Scenario 1

When E-mail is Used to Document Telephone Calls

You should consider the **importance and content** of the telephone conversation to determine if the discussion should be documented and filed as a record. For instance, if you would have documented a telephone conversation to confirm a decision or a course of action, the resulting document would be considered a record and, as such, it would have been filed in a recordkeeping system. You should do the same with the e-mail that you write to document the telephone conversation. The e-mail would be a record and you would file it in ECMS.

Remember, a decision to document the content of a telephone conversation as a record should be based on the message's **importance and content.**

* * * * * ** * * * * ** * * * * ** * * * * ** * * * * *

Scenario 2

When E-mail is Used to Set Up a Meeting

Most messages sent to schedule meetings would be nonrecords. If the **importance and circumstances** of a planned meeting warrant evidence that it was scheduled, and/or if the e-mail message contains substantive comments, attachments, or other important information related to the meeting, the e-mail should be saved as a record by the sender.
Electronic calendars in Lotus Notes and paper calendars, appointment books, and phone logs for senior EPA officials are permanent records. This means that they are kept forever! Senior officials include the Agency Administrator, Deputy Administrator, Assistant Administrators, Associate Administrators, Regional Administrators, Office Directors, Laboratory Directors, and other similar positions. These calendars must be filed in a recordkeeping system.

Electronic and paper calendars for all other employees may be records if they contain substantive information relating to official activities and their content has not been incorporated into other official files. When this is the case, these calendars need to be kept for two years in a recordkeeping system.

The initial ECMS deployment does not support saving electronic calendar records directly from notes, but calendar records will eventually be saved in ECMS when this functionality is available. Until then, calendars that are records must be printed and filed in a paper-based recordkeeping system.

* * * * * ** * * * * ** * * * * ** * * * * ** * * * * *

Scenario 3

When E-mail is Used to Provide a Reference Copy

You may receive e-mail messages that are reference copies of records. For example, the originator of an EPA Mass Mailer providing information about the closure of a building is responsible for maintaining the record copy. You, as a recipient, may delete your reference copy when it is no longer needed.

If you are copied for information purposes on an e-mail and are not required to take any action you may delete the reference copy when it is no longer needed.

It is your responsibility to evaluate any information you create for its record status, regardless of its form (e.g., paper, e-mail, fax, or telephone.)

Scenario 4

When E-mail is Used to Send a Draft Document

This one is pretty straight forward. Keep draft documents and comments on drafts if they capture important information about EPA's decision-making and/or activities. **A simple rule of thumb is to save it as a record if it adds to the understanding of how an important final version was developed (e.g., directives, reports to Congress, or regulations.)**

Additionally, e-mail providing key substantive comments related to Agency policy or actions is a record, especially if the message adds to a proper understanding of how an Agency policy was formulated or executed.

A decision to save drafts as records should be based on their **importance and contribution** to the formulation of the final version documenting critical decisions made during that process.

* *

Scenario 5

When E-mail is Used to Distribute Meeting Minutes

Usually meeting minutes are transmitted to recipients via e-mail. The **importance and content** of the meeting may be such that a record of what transpired at the meeting is needed to document decisions, instructions, assignments, agreements, etc. and should be saved as a record in ECMS.

In these cases the e-mail is always a record for the originator. It may also be a record for the recipient.

A decision to save meeting minutes as a record should be based on the meeting's **importance and content.**

Rule of Thumb...

The originator of an e-mail is responsible for determining if it is a record and filing it in ECMS. However, if an e-mail you receive directs you to take an action, it is a record for you *as well as* the sender. In this case, you must also file the e-mail in ECMS.

Conversely, if you receive an e-mail for information purposes only you should not file it in ECMS.

* *

The following exercises highlight some of the important things you need to remember from this chapter. Let's see what you can recall.

3.1. Attachments to e-mail records are part of the record.

True or False

If you answered True:
You are right!

Attachments, such as word processing documents, spreadsheets, etc., provide context to e-mail messages. You would keep them with the associated e-mail messages under the same conditions that you would if they were paper attachments to a paper memo or incoming letter.

If you answered False it is not correct, this statement -
It's True. See above for more information on the correct answer.

* *

3.2. True or False: The e-mail below is a record.

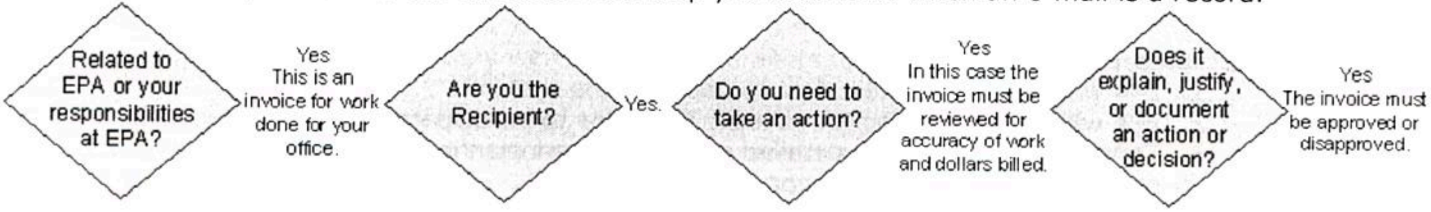
From EPA Contractor/DC/USEPA/US
10/06/2006 04:03 PM
To: dopo@epamail.epa.gov

Subject: Monthly Invoice

Attached please find September's invoice. Please let me know if you have any questions. [Image of an attachment]

If you chose True:
True is correct, this *is* a record.

The decision process like the one below can help you determine when an e-mail is a record.


Related to EPA or your responsibilities at EPA?
Yes
This is an invoice for work done for your office.
Are you the Recipient?
Yes.
Do you need to take an action?
Yes
In this case the invoice must be reviewed for accuracy of work and dollars billed.
Does it explain, justify, or document an action or decision?
Yes
The invoice must be approved or disapproved.

If you chose False, you are not correct:
This e-mail IS actually a record – see above decision tree.

* *

3.3. Once you have determined that an e-mail message is a record, when can you delete it?

A. After it has been read and a copy properly forwarded to the federal e-mail record archives.
B. At your convenience after it has been read.
C. After the message, transmission data, and attachments are properly filed in ECMS.

If you selected C:
YES.

If you create or receive an e-mail message and determine that it is a record, you must file the e-mail in ECMS.

After filing a record in ECMS, the electronic version of the message in the e-mail system (i.e., Lotus Notes) should be deleted. You can easily access the e-mail any time it is needed from within ECMS.

If you selected A or B:
Wrong. See above for correct answer.

* * * * * ** * * * * ** * * * * ** * * * * ** * * * * *

3.4. Which of these e-mails is a record?

A. only
B. only
C. Both of the e-mails
D. Neither of the e-mails

A:

From: EPA Contractor/DC/USEPA/US
10/06/2006 03:06 PM
To: knot.will@epamail.epa.gov, duu.kann@epamail.epa.gov
Subject: Summary of our Meeting on 10/05/06
Date: 10/05/2006
Time: 1:00pm
In Attendance: Will Knott, EPA Contractor, Kann Du
Purpose: Review the acceptance test process for the new EPA enterprise solution

Decisions/Actions:

1. EPA will provide real test data to populate the system
2. EPA will identify and solicit as least 3 A_ships to participate in the pilot.
3. Contractor will submit a detailed acceptance test plan including test cases for EPA review and approval.
4. EPA reviewed and accepted the system architecture and design document deliverable.
5. Due date for the completion on the above actions is 11/22/2006.

B. From: EPA Contractor/DC/USEPA/US
10/06/2006 03:06 PM
To: knot.will@epamail.epa.gov, duu.kann@epamail.epa.gov
Subject: Summary of our Meeting on 10/05/06

Mr. Knot, Ms. Duu

Thanks for meeting with me today. I believe our time was very productive. Our team will start working on the identified items right away. I'll look for the EPA test data within the next day or so.

I'll call you by Friday with an update.

Regards
Ema D. Best

If you answered C:
Excellent! This question was a little harder than the rest.

The answer is that **Both** of these e-mail can be classified as records.

Each e-mail documents EPA-related activity. The first e-mail clearly outlines specific plans and decisions by both EPA staff and the contractor. The second e-mail might not be as obvious. However, read it again and note that it does reference an expectation of an action to be taken by EPA. That makes it a record too!

If you answered A, B, or D – This is incorrect - see above for the correct answer

* *

3.5. Which of the following **is not** a step that you should take in handling your e-mail?

A. Decide if the message is a record or nonrecord.
B. If the message is a nonrecord, dispose of it promptly.
C. If the message is a record, file it as a record in ECMS.
D. After filing a record in ECMS, print and file a copy in a paper-based recordkeeping system.

If you selected A, B or C, note that:

Actually, each of these *is* a step in the process of evaluating and processing a record.

If it is a not a record, delete it. If it *is* a record, you must file the e-mail in ECMS.

After filing the record in ECMS, the electronic version of the message in the e-mail system (i.e., Lotus Notes) should be deleted. You can easily access the e-mail any time it is needed from within ECMS.

If you selected D: **You are correct this is NOT a step in handling your e-mail**.
If it is a record, you must file the e-mail in ECMS. Once you do that, there is no need to print it. That is redundant and too much work.

* *

3.6. Once you determine that an e-mail message is a record, you are responsible for which of the following?

A. Recording the file name, file size, subject heading, sent to and sent from, and the date received in the official e-mail log book.
B. Informing the Records Liaison Officer of the existence of an e-mail record, after which your responsibility ends.
C. Placing the e-mail message and its attachments, if appropriate, in ECMS.

If you selected C:
Yes, C is the correct answer.

You must file the message **and** the transmission data in the EPA record keeping system (ECMS). This rule also applies to any attachment(s) to the email.

When using ECMS to capture e-mail records directly from Lotus Notes, transmission data will automatically be saved with the e-mail.

If you selected A or B:
No. It's much easier than that!

Once you determine an e-mail is a record, you must file the message **and** its transmission data in the EPA record keeping system (ECMS). This rule also applies to any attachment(s) to the e-mail.

* *

Chapter 4: Records Schedules

Objective: **To provide an understanding of a records schedule and how it should be used**

E-mail messages and attachments that you have identified as records will need to be filed according to a specific records schedule based on the content of the information.

A **records schedule**, which will be referred to as a **records folder** in ECMS, **describes a group of records that support the Agency's mission.** Records schedules mandate:

- How long the records are kept (retention), and
- What happens to them at the end of that time period (disposition.) At the end of their retention, records are either destroyed if they are temporary or transferred to NARA if they are permanent.

EPA has over 500 different records schedules. These schedules are used to manage records the Agency creates or receives in pursuing its mission.

Fortunately, you may use only 5-10 schedules on a regular basis (for more information on records schedules refer to http://www.epa.gov/records/policy/schedule/index.htm.) If your office identified the records schedules related to your work, they are pre-loaded into ECMS for easy reference. Those are the schedules you will most likely reference on a regular basis.

However, there may be situations when an e-mail message you identify as a record cannot be described by one of the predefined schedules. In these cases, contact your Records Liaison Officer (RLO.) Your RLO will determine if a new records schedule needs to be developed. If so, print and file the e-mail and appropriate attachments in a paper-based recordkeeping system until you can file it in ECMS.

Becoming familiar with the records schedules currently used in your office will aid you considerably in using ECMS. Your RLO can assist you with identifying the records schedules related to your office.

You will find that filing e-mails in ECMS is very similar to filing a document in a standard paper-based folder. This will be explained in detail in the follow-on ECMS training module.

Retention

It is important to make sure that you keep records for as long as required by the records schedule. Conversely, it is equally important that they not be kept beyond their prescribed time period.

Before ECMS, you were required to print e-mail records and place them in a paper-based recordkeeping system. You were also required to manually manage the records' lifecycle to ensure they were kept for as long as required, based on their appropriate records schedule.

By filing your e-mail records in ECMS, you will be associating them with a records schedule when placing them in a records folder. They will be automatically kept by ECMS for the appropriate period of time until destruction or, if permanent records, until transferred to NARA.

Disposition

All records are classified as either 'permanent' or 'temporary' in the records schedules. These classifications apply to e-mail records as well.

'Permanent' records are records that have historical or other research value that justify their preservation by NARA on a permanent basis. Many documents generated by the Agency's senior staff are considered 'permanent'. 'Permanent' records are normally transferred to the NARA when they are 20 years old.

All records not designated as 'permanent' are considered 'temporary'. Their retention period can be as short as a few months or as long as a few decades.

All e-mail records, regardless of whether they are 'permanent' or 'temporary', should be filed in ECMS. The records schedule associated with the record will automatically determine its classification and how long it should be maintained.

* *

The following exercises highlight some of the important things you need to remember from this chapter. Let's see what you can recall.

4.1. All records are important and should be kept permanently.
True or False

If you answered True you are **Almost** right
Half of this statement is true.

All records ARE important, that is why we are required to retain them. However, they should only be kept as long as required by the records schedule(s). Schedules specifically state how long the records should be retained.

If you answered False
Very Good!

* *

4.2. What documents are used to determine how long e-mail records should be maintained?

A. EPA records schedules.
B. The 33 CFR 1620 and 45 CFR 1188(93) regulations.
C. The Record Manager's handbook.

If you answered A:
I KNEW you knew this - the answer is A - "EPA records schedules."

EPA's records schedules provide mandatory instructions prescribing how long records, including e-mail records, are to be kept and what happens to them when they are no longer needed by the Agency.

If you answered B or C
I was SURE you knew this one – but the answer is A - "EPA records schedules."

* *

4.3. Which of the following describes the life of a record?

A. Permanent.
B. Temporary.
C. Both.

If you answered C: **Yes.**

Records can be classified as either permanent or temporary.

Permanent records will ultimately be transferred to NARA and kept forever.

Temporary records will be maintained in accordance with the appropriate records schedule and then disposed of accordingly.

If you answered A or B – see above.
You are close but you're only half right. – see above for the correct answer

* *

4.4. EPA has one official records schedule and it applies to all Agency records.

True or False

If you selected True:
That's a strike.

EPA has over 500 different records schedules to cover all the diverse types of records that relate to the Agency's business but only one will be associated with a specific record.

If you selected False:
Right. You're a celebrity!

* *

Chapter 5: Reviewing what you have learned

Objective: **What you should do after you have identified an e-mail as a record.**

Remember, EPA employees and contractors are required to save e-mail records into ECMS. By this time, you should have a pretty good idea of what constitutes an Agency e-mail record.

Let's review what we learned about managing your e-mail records.

In review:

☐ If you create or receive an e-mail message and determine that it is a record, **you should file the e-mail message and any attachments and responses into ECMS**. The 'e-mail record' is a combination of the e-mail itself, the responses, and any attachments to the e-mail.

☐ Remember, **Lotus Notes is not an approved recordkeeping system and should not be used as one.**

☐☐**After filing an e-mail record in ECMS, you should delete it from Lotus Notes**. You can access the e-mail any time it is needed from within ECMS.

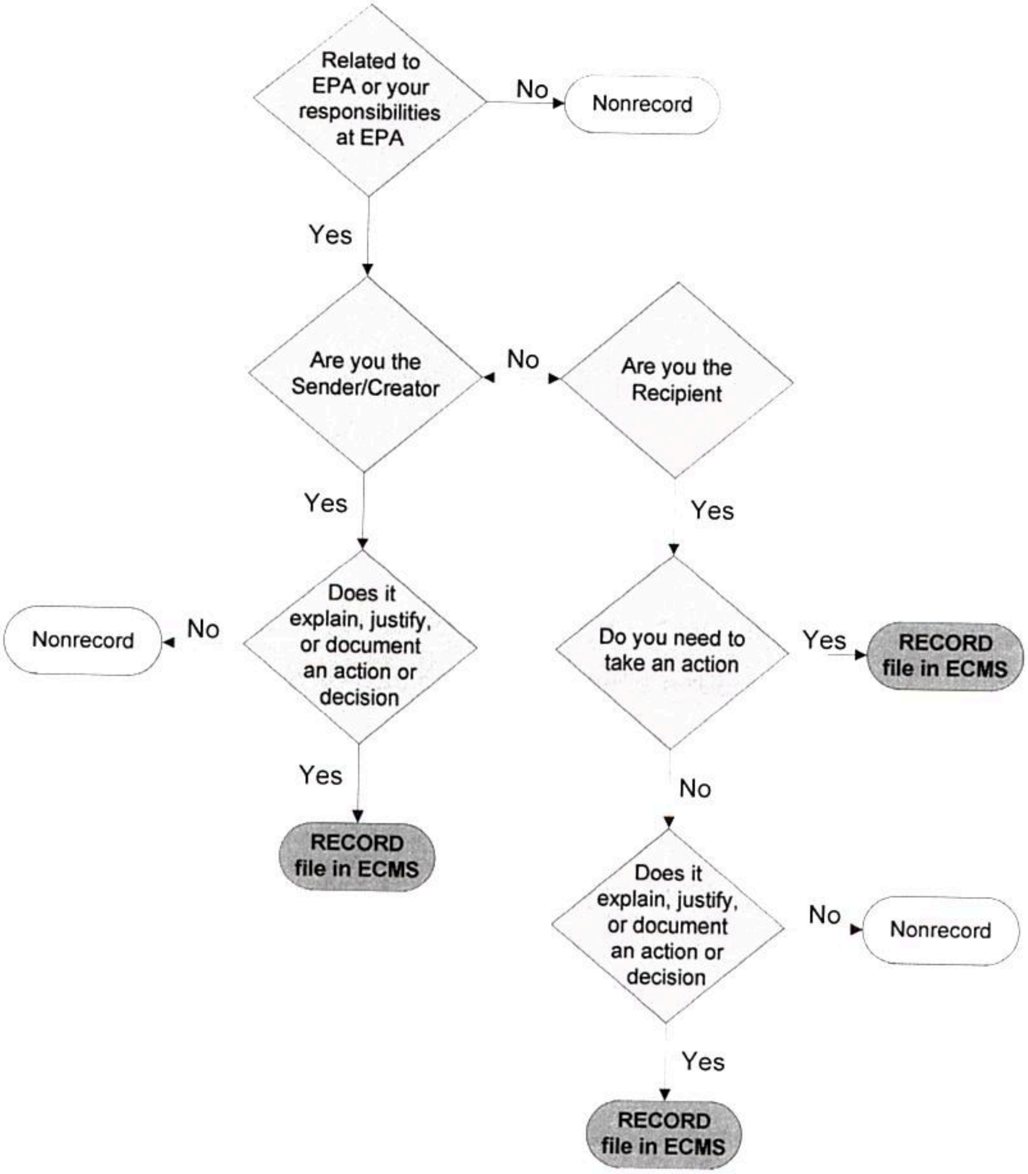
☐ To properly manage your e-mail, and to save valuable server storage space, all e-mail records and attachments should be declared as records and saved in ECMS. You should delete all e-mail messages that are not records from your 'Inbox', 'Sent', and other folders in Lotus Notes, including e-mails that have been saved to ECMS.

☐ If you have convenience copies on your hard drive or the network server, delete them when they are no longer needed and be sure they are not kept longer than the record copy.

The next page contains a **decision tree** that will help you determine when e-mail is a record or a nonrecord.

Decision Tree

How to decide if an e-mail is a record.


Related to EPA or your responsibilities at EPA
No
Nonrecord
Yes
Are you the Sender/Creator
No
Are you the Recipient
Yes
Yes
Nonrecord
No
Does it explain, justify, or document an action or decision
Do you need to take an action
Yes
RECORD file in ECMS
Yes
RECORD file in ECMS
No
Does it explain, justify, or document an action or decision
No
Nonrecord
Yes
RECORD file in ECMS

Congratulations, you have completed the first segment of the Records Management Training Program for E-mail.

Thank you for completing this segment of the training.

You are ready to move on to the ECMS Training module.

11

ECMS
MANAGING OUR INFORMATION ASSETS

WHAT IS A RECORD?

Suzanne Martin, Air and Radiation Division, Region 5
Lynn Calvin, Resources Management Division, Region 5

Some of the following information will be helpful in assisting you to identify a record. Also provided are links for online Records Management and ECMS training, records schedules, and other items of interest.

DEFINITION OF A "RECORD":

A federal record is an information resource, in any format, that is:

- created in the course of business,
- received for action, or
- needed to document Agency activities.

Records are "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them." (44 U.S.C. § 3301)

HOW TO IDENTIFY RECORDS:

If you answer "yes" to any of these questions, you may have a **record**:

- Was it created in the course of business, e.g., correspondence, agreements, studies
- Was it received for action, e.g., FOIA requests, controlled correspondence
- Does it document EPA activities and actions, e.g., calendars, meeting minutes, project reports
- Is it mandated by statute or regulation, e.g., administrative records, dockets
- Does it support financial obligations or legal claims, e.g., grants, contracts, litigation case files
- Does it communicate EPA requirements, e.g., guidance documents, policies, procedures

If you answer "yes" to any of these questions, you may have a **non-record**:

- Is it reference material, e.g., vendor catalogs, phone books, technical journals
- Is it a convenience copy, e.g., duplicate copies of correspondence or directives
- Is it a stock copy, e.g., EPA publications or forms
- Is it a draft or working paper, e.g., draft with no substantive comments, rough notes, calculations (N.B. Some drafts are needed to support the decision trail or are required by a records schedule.)

If you answer "yes" to this question, you may have a **personal paper**:

- Is it only related to your own affairs, e.g., soccer schedule, PTA roster

(N.B. Personal planners and calendars may actually be records if they document your activities for EPA.)

HOW DO YOU KNOW IF YOUR EMAIL IS A RECORD:
E-mail messages should be treated the same way as paper correspondence for record-keeping purposes. If it provides evidence of an EPA business transaction, it needs to be kept as a record.

IS THIS EMAIL A RECORD?

The originator of an email is responsible for deciding if it is a record and filing it in ECMS. If an email you receive directs you to take action, then it is a record for you as well as the sender. Emails received for informational purposes are not records and should not be filed in ECMS.

Ask yourself the following questions to determine if you have an email that is a record:

Is it related to EPA or your work at EPA?
Are you the sender of the email?
Does it explain, justify, or document an action or a decision?
If you answer YES, you need to file the email and any attachments in ECMS.

If you receive an email, is it related to EPA or your responsibilities at EPA?
Are you the recipient/addressee of the email?
Do you need to take action?
Does it explain, justify, or document an action or decision?
If you answer YES, you need to file the email and any attachments in ECMS.

When you file an email in ECMS, it does not automatically delete it from Lotus Notes.
You must manually delete the email from Lotus Notes.
Mail saved as a record will display a 'mail-lock' icon to the left of it.

RECORDS SCHEDULES:

How do I know what is covered under a particular records schedule?

You can review the types of materials covered under records schedules by using this link:
http://www.epa.gov/records/policy/schedule/

IMPORTANT RECORDS LINKS:

On-line Records Training:
https://basin.rtpnc.epa.gov/oic/ecmstrain.nsf
To log into the Records Training, type in your name as it appears in your Lotus Notes ID (i.e., jane doe) and your Lotus Notes password.

On-line ECMS Training: https://basin.rtpnc.epa.gov/oic/ecmstrain.nsf

To log into the ECMS Training, type in your name as it appears in your Lotus Notes ID (i.e., jane doe) and your Lotus Notes password.
At the end of the ECMS Training, you will be automatically redirected to the self registration process through Identify Self Service (ISS).

Self-registration through Identity Self Service (ISS):
Use Internet Explorer 6 and type in this URL:
https://ecms.epa.gov/iss
To log into the self-registration through Identity Self Service (ISS), type in your LAN ID in all lowercase letters (e.g., jdoe) and your LAN password. This is the ID and password you use to log into your computer network.
The Repository on the log-in screen should be "ecmsrmr". If that is not listed, click on the down arrow and select it.
You must be registered in order to have access to ECMS.

EPA's Records Schedules:
http://www.epa.gov/records/policy/schedule/index.htm

Frequent Questions about Emails and Records:http://www.epa.gov/records/faqs/email.htm

Frequent Questions about Recordkeeping Systems:
http://www.epa.gov/records/faqs/rks.htm

Mandatory online records management training:
https://basin.rtpnc.epa.gov/oic/ecmstrain.nsf

12

Mobile Application Approval Process

You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.

Mobile Devices Website

- Mobile Devices Home
- Frequent Questions
- Mobile Device App Approval Process
- Tablets

Apps

Learn More about What Apps are Approved
Learn More about What Apps are Prohibited
Learn More about the Status of your Application Request

Resources

- Mobile Applications Approval Process - Frequent Questions (PDF) (3 pp, 385 K)
- Quick Reference Guide: Mobile Application Approval Process (PDF) (6 pp, 427 K)
- Mobile Application Request Form (DOCX) (51 K)
- Quick Reference Guide: Mobile Application Status Chart Instructions (PDF) (3 pp, 613 K)
- Summary – Terms of Service Review Process (PDF) (2 pp, 235 K)
- Terms of Service Checklist (PDF) (3 pp, 491 K)
- SharePoint Site: Mobile Application Status Chart
- How to Use the App Catalog Icon - Quick Reference Guide (PDF) (1 pp, 155 K)

For Assistance with Downloading Apps:

- EZTech customers -
  866-411-4372 (option 3) or EZTech@epa.gov
- All Other Locations -
  Your Local Help Desk

EPA cannot offer technical support for operating approved mobile Apps.

What is the Mobile Application Approval Process?

The Mobile Application Approval Process provides EPA Government Furnished Equipment (GFE) iPhone/iPad customers the ability to submit a request for the review of a mobile application for use at the Agency if it is not included in the App Catalog. The employee must have a business need for the app.

Employees are only authorized to download Apps from their iPhone/iPad App Catalog. The App Catalog is an icon that is installed on EPA mobile devices after enrolling into the Mobile Device Management (MDM) Solution — MaaS360.

To ensure the application has not been previously approved or denied, review the two SharePoint sites below. Also, look to see if any approved applications could provide similar functionality that may be used to meet your needs.

- A list of approved Apps can be found on the Mobile Application Status Chart at Added to App Catalog (SharePoint).
- A list of prohibited Apps use can be found on the Mobile Application Status Chart at Prohibited Apps (SharePoint).

What is the App Catalog?

The App Catalog is an icon that is installed on your EPA iPhone/iPad after you enroll into the Mobile Device Management (MDM) Solution — MaaS360. All EPA iPhone/iPad customers must enroll into MDM. For information on how to use the App Catalog, visit the Quick Reference Guide: How to Use the App Catalog Icon (PDF) (1 pp, 155 K).

How do I Request the Review of a Mobile App?

Fill out a Mobile Application Request Form (DOCX) (51 K) for each app you want reviewed. A separate mobile app request form must be completed for each app requested. All requests must go through a review process. A minimum of 4 business days is required for the review and approval process, assuming that issues are not identified during review. You must get approval from your direct supervisor, fill out a Terms of Service Checklist for OGC, along with other Agency approvals such as an OEI security assessment and OGC Terms of Service (ToS) legal review.

The Mobile Application Approval Process Request involves numerous levels of review – involving two parts:

- Part One: Program/Regional Office Application Review Steps
- Part Two: Agency Review Steps

OEI has developed detailed process diagrams so you can better understand the steps needed for review – Quick Reference Guide: Mobile Application Approval Process (PDF) (6 pp, 427 K).

Part One - Program/Regional Office Application Review Steps

Mobile application requests must be approved by the requestors immediate manager or supervisor and must have a business need. Applicants must fill out the Mobile Application Request Form (DOCX) (51 K). Part of this form includes a Terms of Service Checklist (PDF) (3 pp, 491 K) that the Office of General Counsel (OGC) developed to expedite the legal review process. Review the document, Summary – Terms of Service Review Process (PDF) (2 pp, 235 K) for more information on this component of the review. Specifically, the requesting Program/Regional Office will need to perform the following processes prior to submitting the request form:

- **Review** each mobile application's ToS to identify whether an indemnification or governing law clause exists ;
- **Locate** a legal contact with the mobile application's owner so OGC can initiate negotiations, if necessary; and,
- Include the Terms of Service and a legal contact with the mobile application owner with your Mobile Application Request Form. OGC will conduct a final legal review of all Terms of Service and initiate any negotiations with the appropriate legal contact.

Part 2 – Agency Review Steps

The Agency review requires a security (OEI) and legal (OGC) review of the Apps. The security review conducts an evaluation of the application to identify if any security concerns exist. The main part of the legal review is conducting a review of the ToS. A review of the ToS is important to prevent any violations of the Anti-Deficiency Act which can result in administrative and penal sanctions including fines, termination, and jail time.

How Can I View the Status of my Request?

Applicants will be able to view the status of any application request at Mobile Application Status Chart (SharePoint). View the Quick Reference Guide: Mobile Application Status Chart Instructions (PDF) (3pp, 613 K) for detailed instruction on using this SharePoint site.

How will I know if my Application Request has been Approved?

The Mobile Application Status Chart (SharePoint) provides an up-to-date listing of all Apps that have been requested and their current status in the review process. Apps that are marked as Added to the App Catalog (SharePoint) are approved and are available for download from the EPA App Catalog. Your organizations' Senior Information Official (SIO) and Information Management Officer (IMO) will also be notified when the app is approved and added to the App Catalog.

What if the App Costs Money?

Although Apps with an associated cost will be reviewed by the Mobile Application Approval Committee (MAAC), those that are approved cannot be procured from the Apple store until the Agency's Apple purchase program is established. More information on this Phase 2 initiative will be available at a later time.

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From: Ellis, John
To: Johnston, Robert
Cc: Moser, Rebecca; Miller, Kevin; Kelly, Lynn; Key, Rena
Subject: NARA Call about Signal
Date: Thursday, February 16, 2017 5:05:00 PM

Hello Robert,

I got a call back from NARA and the person I spoke to said she just wanted to give me a heads-up that they will be opening a case of alleged unauthorized destruction regarding EPA's use of **Signal**, which we would need to report back to them on. We should expect the letter sometimes next week.

John B. Ellis, CRM
EPA Records Officer
Office of Environmental Information (OEI)
Office of Enterprise Information Programs (OEIP)
Enterprise Records Management Division (ERMD)
1301 Constitution Ave., NW, Washington, DC
William Jefferson Clinton West Building
Mail Code 2822T, Washington, DC 20460
Phone: 202-566-1643, Mobile: 202-657-3091

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From: Andrea Noel
To: Ellis, John
Subject: Monthly Unauthorized Disposition of Open Federal Records Case Report
Date: Thursday, April 06, 2017 8:52:29 AM

Good morning Mr. Ellis,

This monthly notification provides the status of your agency's open unauthorized disposition of federal records case.

Case #	Type of Records	Status
UD-2017-0017	Use of encrypted messaging applications to avoid federal records requirements	OIG investigation ongoing, final report due after investigation is completed

Please let me know if you have questions or concerns.

Thanks,

Andrea A. Noel
Senior Records Analyst
Records Management Oversight and Reporting Division
National Archives and Records Administration
Tel: (301) 837-3564
Mb: (301) 580-9374

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From: Andrea Noel
To: Ellis, John
Subject: New allegation of unauthorized disposition
Date: Wednesday, February 22, 2017 9:44:20 AM
Attachments: 2017-2-22_UD_2017_0017_EPA_Open Case Letter.pdf

Good morning Mr. Ellis

The attached letter from the Chief Records Officer for the U.S. Government, Mr. Lawrence Brewer, was mailed to you today. This letter is regarding an allegation of unauthorized disposition that was published in an article on February 14, 2017, by Bloomberg Government. The article is included with the attached letter.

Please provide me with a response to this allegation on or before March 30, 2017. Feel free to contact me if you have any questions regarding this allegation.

Thank you,

Andrea A. Noel
Senior Records Analyst
Records Management Oversight and Reporting Division
National Archives and Records Administration
Tel: (301) 837-3564
Mb: (301) 580-9374

16

From: Andrea Noel
To: Ellis, John
Subject: Re: FW: New allegation of unauthorized disposition
Date: Monday, March 27, 2017 2:18:47 PM

John, thank you for this response.

Andrea

On Fri, 24 Mar 2017 at 4:04 PM Ellis, John <Ellis.john@epa.gov> wrote:

Good Afternoon Andrea,

Attached is EPA's initial response to your request of February 22, 2017, on behalf of the Chief Records Officer for the U.S. Government, Mr. Lawrence Brewer, regarding an allegation of unauthorized disposition that was published in an article on February 14, 2017, by Bloomberg Government. This case is currently under investigation by EPA's Office of Inspector General (OIG). As stated in the attached response letter, EPA will submit a full report after OIG's investigation and report are complete.

Should you have any questions about the attached letter or any of the other supporting attachments, please let me know.

John B. Ellis, CRM

EPA Records Officer

Office of Environmental Information (OEI)

Office of Enterprise Information Programs (OEIP)

Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC

William Jefferson Clinton West Building

Mail Code 2822T, Washington, DC 20460

Phone: 202-566-1643, Mobile: 202-657-3091

……

From: Andrea Noel [mailto:andrea.noel@nara.gov]
Sent: Wednesday, February 22, 2017 9:44 AM
To: Ellis, John <Ellis.john@epa.gov>
Subject: New allegation of unauthorized disposition

Good morning Mr. Ellis

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Please provide me with a response to this allegation on or before March 30, 2017. Feel free to contact me if you have any questions regarding this allegation.

Thank you,

Andrea A. Noel

Senior Records Analyst

Records Management Oversight and Reporting Division

National Archives and Records Administration

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Andrea A. Noel
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18

Personal Papers

- What are personal papers?
- What is EPA's policy on retaining personal papers?
- How do I decide what's what?
- What are examples of personal papers?
- Can I keep copies of my work?
- What's the best way to manage my personal papers?
- How can I get additional guidance?

What are personal papers?

Personal papers are defined in federal regulations as:

"...documentary materials, or any reasonably segregable portion thereof, of a private or nonpublic character that do not relate to or have any effect upon the conduct of agency business." 36 CFR 1222.36(a)

There are three generally accepted classes of personal papers:

- Materials accumulated before joining government service that are not used subsequently in the transaction of government business;
- Materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations or private political associations that do not relate to agency business;
- Diaries, journals or other personal notes that are not prepared or used for, or circulated or communicated in the course of transacting government business.

What is EPA's policy on retaining personal papers?

EPA's schedule 0999 - Personal Papers states that personal papers may be destroyed or removed at the owner's discretion. EPA's records schedules document Agency policy on retaining all documentary materials.

How do I decide what's what?

There are three common tests for whether something is a personal paper. Although these tests are not definitive, they do offer general guidance for making day-to-day decisions. If a document:

- Is a necessary part of the "adequate and proper" documentation of an Agency program, its functions, or its policy and decision making process, it should be considered a record;
- Relates solely to an individual's own affairs, it is probably a personal paper; if it relates to an individual's job, is done on government time, or with government equipment, it should be considered a record until proven otherwise; and/or
- Is prepared for your own use and is not circulated to other staff or used as the basis for agency action, it is probably a personal paper.

Labeling materials "personal," "private" or "confidential" does not make them personal papers. Documents marked with those or similar designations are federal records and not personal papers if they are used in the transaction of Agency business.

What are examples of personal papers?

The line between personal papers and records is not always clear. If you have any questions about specific documents or files, you should ask trained records management staff to review them.

"Personal papers" may include:

- Materials for your activities as a member of a union or a professional association;
- A journal of daily events maintained for your personal use that is separate from the schedule of daily activities you use for your job;
- Notes taken for your personal use at a training course; or
- Notes taken for your personal use at a meeting that (1) are not circulated to other staff and (2) are not used as a basis for action.

"Personal papers" do not include:

- Calendars, appointment books, schedules of activities, etc., that record your activities as a federal employee;

- Drafts, background materials, notes, and other documents prepared in the course of your assigned duties, even though these are not made part of the "official file;"
- Speeches given or articles written in your capacity as an Agency employee or Government official; or
- Notes used to give a briefing to Agency staff.

Can I keep copies of my work?

Many employees want to keep copies of materials which they have drafted, reviewed or otherwise acted upon. You are permitted to accumulate extra copies of these documents for your own convenience provided that retention would not:

- Diminish the official record of the Agency;
- Violate confidentiality required by national security, privacy or other interests provided by law; or
- Exceed normal administrative business economies.

Technically speaking, such extra copies are considered nonrecord material and not personal papers. However, officials can arrange to take the extra convenience copies with them when they leave the Agency or move to another job within the Agency.

If you wish to keep copies of your work, it is much easier to make the copies on a regular basis rather than to wait until you are departing.

What's the best way to manage my personal papers?

If you keep personal papers in your office, there are three simple rules you need to follow to manage them properly:

- Clearly designate the files as personal papers;
- Maintain them separately from official Agency records; and
- If you receive a document that contains information about both private matters and Agency business, the document is a record, and the part that concerns the Agency business must be made part of the official record. There are two means of doing this. You can immediately copy the document with the personal information deleted and treat the sanitized copy as the Agency record, or extract the Agency business portion and add the extract to the Agency files.

How can I get additional guidance?

If you have policy questions about your personal papers, you should contact the Records Help Desk. You can find additional guidance in the following publications:

- Documenting Your Public Service, National Archives and Records Administration
- What is a Record?

From: Ellis, John
To: Miller, Kevin; Johnston, Robert
Cc: Moser, Rebecca; Kelly, Lynn; Key, Rena; Moore, Gina
Subject: RE: NARA Call about Signal
Date: Friday, February 17, 2017 9:20:00 AM
Attachments: Scan0021.pdf

Hello Kevin,

I have not received the letter from NARA yet, but will forward it on when I get it.

Here are three related articles on the subject, (two URLs and one attached):
http://www.politico.com/story/2017/02/federal-workers-signal-app-234510

http://www.washingtontimes.com/news/2017/feb/2/cause-action-demands-epa-say-if-employees-using-en/

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1301 Constitution Ave., NW, Washington, DC
William Jefferson Clinton West Building
Mail Code 2822T, Washington, DC 20460
Phone: 202-566-1643, Mobile: 202-657-3091

From: Miller, Kevin
Sent: Friday, February 17, 2017 8:51 AM
To: Ellis, John <Ellis.john@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Key, Rena <Key.Rena@epa.gov>
Subject: RE: NARA Call about Signal

Thanks John. Can you provide us a copy of the letter and any other information when it comes in.

Kevin

Kevin Miller | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington DC 20460 | phone: (202) 564-2691

From: Ellis, John
Sent: Thursday, February 16, 2017 5:05 PM
To: Johnston, Robert <Johnston.Robert@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Key, Rena <Key.Rena@epa.gov>
Subject: NARA Call about Signal

Hello Robert,

I got a call back from NARA and the person I spoke to said she just wanted to give me a heads-up that they will be opening a case of alleged unauthorized destruction regarding EPA's use of **Signal**, which we would need to report back to them on. We should expect the letter sometimes next week.

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POLITICO

WHITE HOUSE

Federal workers turn to encryption to thwart Trump

Agency employees are turning to Signal and other incognito forms of communication to express their dissent.

By **ANDREW RESTUCCIA**, **MARIANNE LEVINE** and **NAHAL TOOSI** | 02/02/17 05:07 AM EST

T-Mobile.pl
20:42
75%
Your Phone Number

Federal employees are using new technology to express dissent against President Donald Trump's administration. | Getty

Federal employees worried that President Donald Trump will gut their agencies are creating new email addresses, signing up for encrypted messaging apps and looking for other, protected ways to push back against the new administration's agenda.

Whether inside the Environmental Protection Agency, within the Foreign Service, on the edges of the Labor Department or beyond, employees are using new technology as well as more old-fashioned approaches — such as private face-to-face meetings — to organize letters, talk strategy, or contact media outlets and other groups to express their dissent.

The goal is to get their message across while not violating any rules covering workplace communications, which can be monitored by the government and could potentially get them fired.

At the EPA, a small group of career employees — numbering less than a dozen so far — are using an encrypted messaging app to discuss what to do if Trump's political appointees undermine their agency's mission to protect public health and the environment, flout the law, or delete valuable scientific data that the agency has been collecting for years, sources told POLITICO.

Fearing for their jobs, the employees began communicating incognito using the app Signal shortly after Trump's inauguration. Signal, like WhatsApp and other mobile phone software, encrypts all communications, making it more difficult for hackers to gain access to them.

White House puts Iran 'on notice,' won't rule out military force
By **LOUIS NELSON** and **MATTHEW NUSSBAUM**

One EPA employee even got a new, more secure cellphone, and another joked about getting a "burner phone."

"I have no idea where this is going to go. I think we're all just taking it one day at a time and respond in a way that seems appropriate and right," said one of the EPA employees involved in the clandestine effort, who, like others quoted in this story, was granted anonymity to talk about the sensitive discussions.

The employee added that the goal is to "create a network across the agency" of people who will raise red flags if Trump's appointees do anything unlawful.

The White House did not immediately respond to a request for comment.

While many workers across the federal government are still in wait-and-see mode, the first two weeks of the Trump administration — with its flurry of executive orders that have in some cases upended lives — have sent a sobering message to others who believe they must act now.

In recent days, career employees at the State Department gathered nearly 1,000 signatures for what's known as a "Dissent Channel" memo, in which they express their anger over a Trump executive order that bars immigrants from seven Muslim-majority countries and halts refugee admissions to the country. The number of signatures was extraordinarily high, even though the letter was submitted after White House spokesman Sean Spicer essentially warned the dissenting diplomats they were risking their jobs.

House begins tearing up Obama-era rules

By **ALEX GUILLÉN**

The executive order on immigration and refugees caused widespread panic at airports, spurring protests and outrage around the world.

It also led to what has been the most high-profile act of defiance yet from a Trump administration official: Acting Attorney General Sally Yates on Monday ordered the Department of Justice's lawyers not to defend the order in court. Yates was fired that same night.

Current and former employees of the Labor Department, meanwhile, are using their private email accounts to send around a link to a letter asking senators to oppose the nomination of Andrew Puzder for secretary of their agency. The employees may sign on to the letter using Google Docs. The letter will not be submitted to the Senate HELP Committee, and the signatures will not be made public, unless 200 current employees sign on.

A federal worker familiar with the letter's circulation said that it's being signed by hundreds of current and former DOL employees.

According to a draft of the letter obtained by POLITICO, the employees write that they have "serious concerns" about the fast-food magnate's willingness to protect the rights of workers given some of his past comments and actions.

The draft of the letter criticizes Puzder's comments about women, and cites his restaurants' advertisements, some of which feature women in bikinis eating burgers. Puzder has defended the ads.

"One of us once heard a colleague ask, quite seriously, whether it would violate workplace rules of civility and prohibitions against sexual harassment to view Mr. Puzder's ads on a government computer," the letter says. "We think the question is a good one."

WHITE HOUSE

Trump security's use of force questioned

By **KENNETH P. VOGEL**

The federal employees interviewed for this story stressed that they see themselves as nonpartisan stewards of the government. But several also said they believe they have a duty to speak out if they feel a policy is undermining their mission.

Drafts of the Dissent Channel memo signed by the State Department employees insist, for instance, that instead of protecting U.S. national security through his new executive order on refugees and immigrants, Trump is endangering the United States by bolstering the terrorists' narrative that the West hates Muslims.

"I think we all have to look within ourselves and say 'Where is that line that I will not cross?'" one Foreign Service officer said.

Since Trump was elected in November, many State Department employees have also met quietly for other reasons. Groups of Muslims who work at Foggy Bottom, for instance, have held meetings to discuss fears that they could be subject to witch hunts and see their careers stall under the new administration. A few of Trump's top aides have spoken out against radical Islamism in such harsh terms that some Muslims believe the aides are opposed to the religion of Islam as a whole.

Steven Aftergood, who directs the Project on Government Secrecy at the Federation of American Scientists, indicated that it's too soon to say whether there's a broad trend of bureaucratic resistance to Trump taking hold.

"Quite a few federal employees seem to be looking for constructive ways to express discontent," he said. "Meanwhile, tension is still growing, not subsiding."

EPA employees are uniquely concerned about their future, having faced barbs from Trump advisers who have toyed with cutting the agency's staff by two-thirds and from other Republicans who want to eliminate the agency altogether. So career staffers are discussing the best way to alert the public to what's happening behind the scenes.

Trump launches media attack during Black History Month listening session
By **LOUIS NELSON**

"I'm suddenly spending my days comparing the importance of the oath I took when I started my career service and the code that I have as an American," an EPA employee said.

EPA employees have started reaching out to former Obama administration political appointees, who they hope will help them spread the word about any possible improper conduct at the agency.

"It's probably much safer to have those folks act as the conduit and to act as the gathering point rather than somebody in the agency," the employee said. "You're putting your career and your livelihood and your paycheck at risk every time you talk to somebody."

Organizations such as the Government Accountability Project, which advocates for whistleblowers, have been busy as federal employees fret about what their new bosses may ask them to do.

"We've had a significant number of federal employees who have contacted us in recent weeks," said Louis Clark, the nonprofit's CEO. "It has to be the largest influx of people trying to reach us that we've seen."

The largest group of callers? "The people who want to know what to do if they're asked to violate the law," Clark said.

Jeff Ruch, executive director of Public Employees for Environmental Responsibility, said EPA employees are in perhaps the "deepest pit of despair" among his group's membership.

He said his group has been fielding calls on everything from what triggers a reduction in the federal workforce to how long they can carry health insurance benefits if they are pushed out.

Asked how EPA employees are feeling, Ruch said, "In the broadest sense, scared and depressed."

Rachael Bade contributed to this report.

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Records Management Briefing for Senior Officials and Political Appointees

Insert name and position

Insert date

Revised 03/17/17, 2:30 PM

Benefits of records management

Managing EPA records as information assets in support of the Agency's mission...

- ensures statutory/regulatory compliance
- preserves corporate memory
- promotes information sharing
- assists better decision making
- enables efficient access/retrieval
- safeguards vital/sensitive information
- minimizes litigation risks
- reduces operating costs

Statutes, Regs & Policy

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities. (44 U.S.C. 31; 36 CFR 12B)

This responsibility is delegated. (EPA 2155.1; EPA 1200)

- Chief Information Officer > Agency Records Officer
- Assistant and Regional Administrators > Records Liaison Officers
- All EPA employees

http://www.epa.gov/irmpoli8/records-management-policy-define-epas-records-management-responsibilitieswww.epa.gov/records/policy/

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Records Management Briefing

All EPA employees are responsible for…

- creating records that document their activities
- filing records for safe storage and efficient retrieval
- disposing of records according to Agency schedules
- safeguarding against the removal or loss of records

http://intranet.epa.gov/records/whatis/index.html

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Records Management Briefing

Records are...

“**recorded information, regardless of physical form** or characteristics, **made or received** by an agency of the U.S. Government under Federal law or **in connection with the transaction of public business** and **preserved** or appropriate for preservation by that agency or its legitimate successor **as evidence** of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them.”

(44 U.S.C. 3301, Definition of Records)

Importance of Senior Official's Records

- Records of EPA Senior Officials are especially important because they document Agency policy and important decisions
- Many records of Senior Officials are considered "permanent" – i.e. subject to preservation by the National Archives and Records Administration

Records of Senior Officials include...

- Calendars, schedules, and logs of daily activities
- Controlled and major correspondence
- Directives and policy guidance documents
- Program development files
- Reports to Congress or the President
- Email and attachments and other electronic documents and messages that meet the definition of a Federal Record
- Administrator's meeting files
- Speeches and testimony

Two Important Distinctions in Records

- **Permanent Records** – subject to preservation by the National Archives for all time
- **Temporary Records** – subject to records schedules and will be disposed of at the end of the record life-cycle

What is a Non-Record?

- Documents or material with no real evidential value
  - For example: an extra copy of a document already in an official file, maintained **solely** for convenience or reference

- Processed or printed material maintained for reference or distribution
  - For example: library material, catalogs, journals, agency publications

EPA Records vs. Personal Papers

EPA Records are...

- ✓ Created or received in the course of doing business for the EPA
- ✓ Material that is needed to document EPA activities or actions

- The content of the documentation determines whether it is a record, not the format. Records may be in any physical or electronic format.

- Electronic messages include text messaging, chat/instant messaging, messaging functionality in social media tools or applications, voice messaging, and similar forms of electronic messaging systems.

EPA Records vs. Personal Papers

Personal papers include...

- ✓ Leave and Earnings statements
- ✓ Tax documents (W-2)
- ✓ Documents related to professional, political or civic activities not undertaken as a representative
- ✓ Any materials brought into the workplace from a previous job or from home

A Records Schedule is…

an EPA policy approved by the National Archives and Records Administration (NARA) that provides specific, mandatory instructions for records:

- when they must be closed
- how long they must be retained
- their final disposition (destruction or transfer to NARA)

http://intranet.epa.gov/records/faqs/schedules.html

Records Responsibilities

It is your responsibility to:

- Manage your records yourself or ensure you have identified someone to do this
- Ensure records are placed in a recordkeeping system and managed according to the appropriate schedule
- Complete EPA Form 3110-49 – *EPA Records Management Checklist for Separating/Transferring or Separated Personnel* and identify and transfer records prior to your departure from EPA or transfer to another position within EPA

What is the Enterprise Content Management System (ECMS)?

ECMS is EPA's DoD 5015.2 certified Enterprise Recordkeeping System, which currently captures email records from Outlook. The system provides functionality that allows users to:

- capture electronic records
- save the records in a secure repository
- search for the records
- share the records with appropriate users
- manage records retention
- control user access to records
- provide records audit trail

What is the Enterprise Content Management System (ECMS)?

In addition, ECMS allows for system-to-system records transfer. Agency systems using ECMS to manage retention and final disposition of their records include:

- Integrated Grants Management System (IGMS) for both grants and interagency agreements
- Correspondence Management System (CMS)

What is the EZ Email Records tool?

- The EZ Email Records tool enables you to save emails as records in a simple one-step process and is integrated directly into: Outlook, and Outlook Web Application (OWA).
- Mandatory EZ Email Records training takes about 20 minutes to complete and can be found on EPA's eLearning site.
- For more information about EZ Email Records, please visit: http://intranet.epa.gov/ecms/emailrecords
- For instructions on how to access the EZ Email Records Training, please visit: http://intranet.epa.gov/ecms/emailrecords/skillport_instructions.pdf

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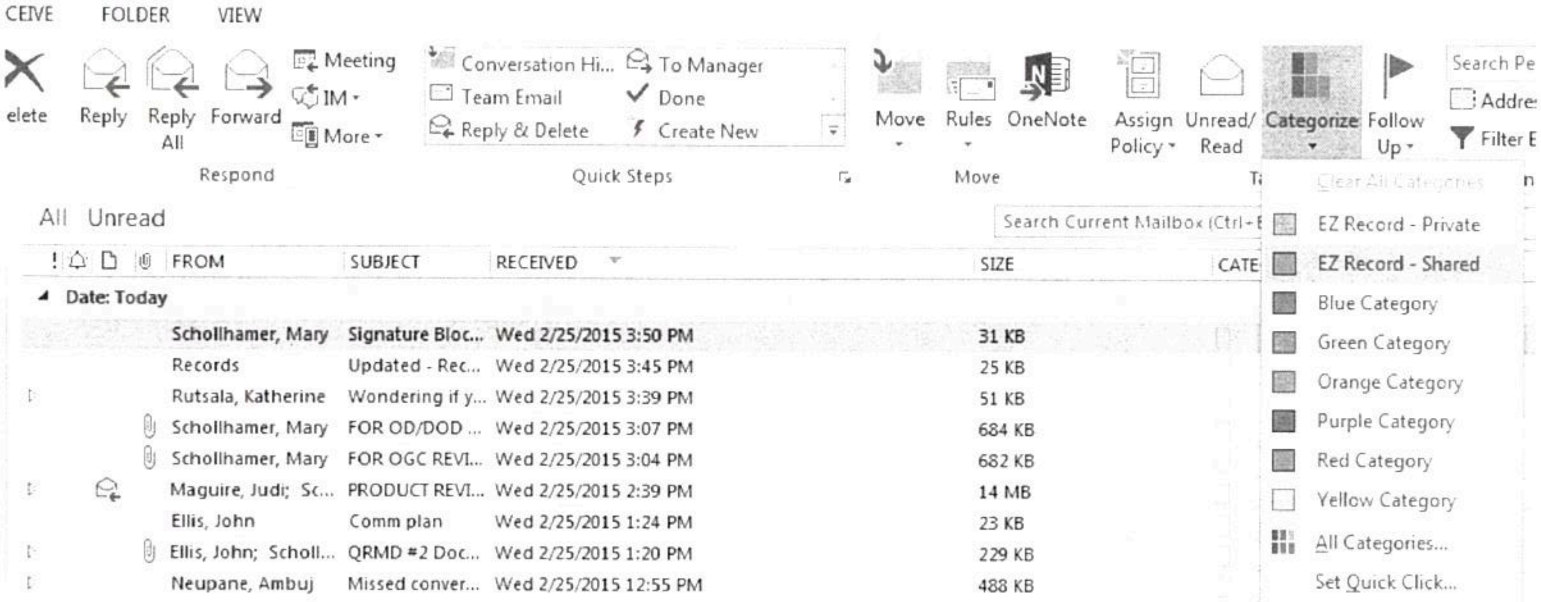
Records Management Briefing

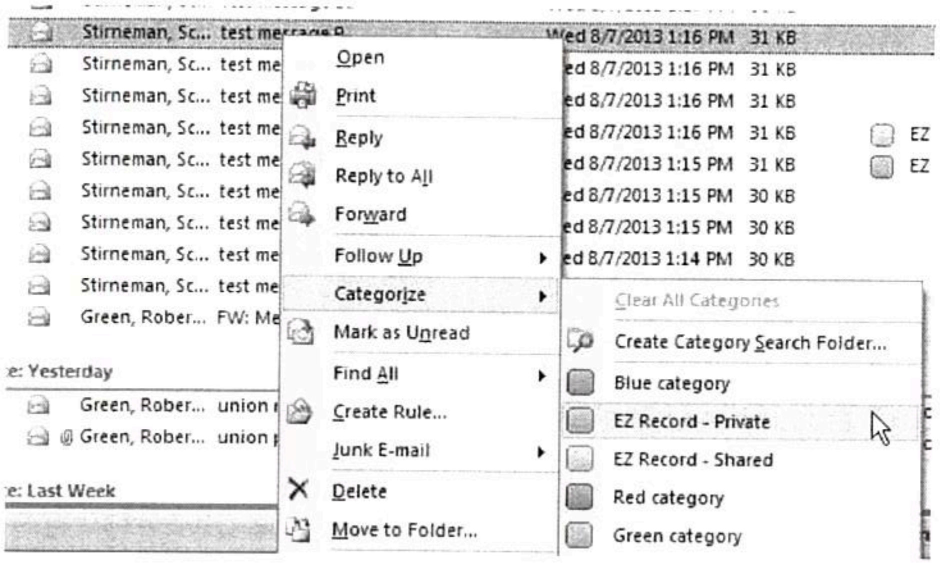
Ways to save email to EZ Email Records


CEIVE
FOLDER
VIEW
elete
Reply
Reply All
Forward
Meeting
IM
More
Respond
Conversation Hi...
Team Email
Reply & Delete
To Manager
Done
Create New
Quick Steps
Move
Rules
OneNote
Move
Assign Policy
Unread/ Read
Categorize
Follow Up
Search Pe
Addre
Filter E
Clear All Categories
EZ Record - Private
EZ Record - Shared
Blue Category
Green Category
Orange Category
Purple Category
Red Category
Yellow Category
All Categories...
Set Quick Click...
All
Unread
Search Current Mailbox (Ctrl+E
Date: Today

FROM	SUBJECT	RECEIVED	SIZE
Schollhamer, Mary	Signature Bloc...	Wed 2/25/2015 3:50 PM	31 KB
Records	Updated - Rec...	Wed 2/25/2015 3:45 PM	25 KB
Rutsala, Katherine	Wondering if y...	Wed 2/25/2015 3:39 PM	51 KB
Schollhamer, Mary	FOR OD/DOD ...	Wed 2/25/2015 3:07 PM	684 KB
Schollhamer, Mary	FOR OGC REVI...	Wed 2/25/2015 3:04 PM	682 KB
Maguire, Judi; Sc...	PRODUCT REVI...	Wed 2/25/2015 2:39 PM	14 MB
Ellis, John	Comm plan	Wed 2/25/2015 1:24 PM	23 KB
Ellis, John; Scholl...	QRMD #2 Doc...	Wed 2/25/2015 1:20 PM	229 KB
Neupane, Ambuj	Missed conver...	Wed 2/25/2015 12:55 PM	488 KB

Option 1: In Microsoft Outlook, click on the email you want to save as a record, and then click on “Categorize” on the Ribbon. You will then choose whether to save it as “EZ Record - Private” or “EZ Record - Shared” record. It is recommended that you select “Shared”, as Shared records are automatically viewable by other staff in your office. Private records are only viewable to you.

Ways to save email to EZ Email Records


Stirneman, Sc... test message
Wed 8/7/2013 1:16 PM 31 KB
Open
Print
Reply
Reply to All
Forward
Follow Up
Categorize
Mark as Unread
Find All
Create Rule...
Junk E-mail
Delete
Move to Folder...
Green, Rober... FW: Me
Yesterday
Green, Rober... union
Last Week
EZ
EZ
Clear All Categories
Create Category Search Folder...
Blue category
EZ Record - Private
EZ Record - Shared
Red category
Green category

Option 2: In MS Outlook, right-click the message you want to save as a record and hover over the "Categorize" choice. The Categorize menu will appear. From there, you can select whether you want a Private or Shared record.

For more information, take the mandatory EZ Email Records training.

Saving Your Calendars

- *Calendar* Records are required to be saved by Agency Senior Officials,
- Instructions on how to save calendar records are posted on the intranet at:
  - http://intranet.epa.gov/ecms/guides/calendar_outlook.htm

Freedom of Information Act Requests (FOIA)

- FOIA is a federal law that gives the public the right to make requests for federal agency records
- Complying with FOIA is everyone's responsibility.
    - The Agency has 20 working days to respond to a request
    - Requesters may sue the Agency for failure to respond by the 20th working day
- Each organization has a FOIA Coordinator to provide guidance and serve as a resource for the organization
- FOIA online is the Agency's FOIA management system and is used to manage the lifecycle of FOIA requests

Protecting Personally Identifiable Information (PII)

Personally Identifiable Information, or PII, is any information that potentially can be used to identify, contact or locate an individual.

- EPA designated a subset of PII as "sensitive" due to the potential risk of harm to the individual if breached (i.e., social security numbers, or comparable ID numbers, medical and financial information)
- All employees must safeguard PII from loss, theft, inappropriate access and use
- Compromises (breaches) of PII must be immediately reported to the EPA Call Center (1-866-411-4372, Option 1) and your organization's primary Information Security Official (ISO)

Legal Considerations 1

- Do not use a non EPA messaging system (i.e., personal email, personal mobile device, etc.) to conduct Agency business. If you have to because of an emergency, CC your EPA account within 20 days of the original creation or transmission of the record and manage any records appropriately once you have access to your account
- EPA strongly discourages the use of text messages for transmitting Agency records. If a text message is a record, then it and related contextual information (e.g., to, from, date, time and subject) must be forwarded to an approved EPA email system and saved as a record on a regular basis within 20 days
- Do not download any unapproved software or applications to EPA computers or mobile devices
- Keep personal papers separate from federal records
- Records you create or receive in the conduct of Agency business during your tenure belong to EPA exclusively

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Records Management Briefing

Legal Considerations 2

- Departing officials and employees may not remove extra copies of records or other work material without prior approval
- There may be criminal penalties for unauthorized removal or destruction of records
- Documents you create or receive may also need to be maintained pursuant to the Freedom of Information Act (FOIA), litigation or other legal requirements. Both records and non-records may be subject to FOIA or litigation requests
- Before separating from the Agency, you must complete all required exit forms and certify that you have taken care of your records management responsibilities using EPA Form 3110-49

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Records Management Briefing

Contacts

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Judy Earle Agency Privacy Officer earle.judy@epa.gov (202) 566-1668	Larry E. Gottesman Agency FOIA Officer gottesman.larry@epa.gov (202) 566-2162
Kevin Miller Assistant General Counsel for Information Law (202) 564-2691	[Insert RLO Name and contact information] Records Liaison Officer (202)
http://intranet.epa.gov/records http://intranet.epa.gov/ecms	http://intranet.epa.gov/privacy http://intranet.epa.gov/foia

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Records Management Briefing for Senior Officials and Political Appointees

[Insert name and title]

Briefing Received by: ______________________________

(signature)

Date: ______________________________

Insert date

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Records Management

Search the Intranet...

You are here: One EPA Workplace / Records Management / Tools / What Every EPA Staffer should Know about Records Management / Introduction

- What Every EPA Staffer should Know about Records Management
- Why Records Management? Ten Business Reasons
- What is a Record?
- What are your responsibilities?
- Which Records are important to your program?
- What is a Records Series?
- What is a Records Schedule?

Introduction

Records Management is the planning, controlling, directing, organizing, training, promoting and other managerial activities involving the life cycle of information, including creation, maintenance (use, storage, retrieval) and disposal, regardless of media.

As a federal employee at the EPA, you will be creating and using federal government records. They may be in many formats: paper, electronic, audio-visual, maps, etc. Records document the organization, functions, policies, decisions, procedures, operations and other activities of the Agency.

There are rules governing the use and destruction of all federal records. It is your responsibility to protect federal records in your custody, and there are legal implications for destroying records without the proper authority. Following good records management practices can benefit the Agency in many ways such as: improving access to information, saving time, space and money.

Keys to good filing practices are filing only what you need to file, filing it in a way that facilitates access and disposition, and doing it consistently. The answers to the following questions will help you gain a better understanding of your responsibilities.

A. Why Records Management? Ten Business Reasons
B. What is a Record?
C. What are your responsibilities?
D. Which Records are important to your program?
E. What is a Records Series?
F. What is a Records Schedule?

Helpful hints and tips for managing the records that you are responsible for:

- Frequently Asked Questions About Records Management
- Frequent Questions About Email and Records

Additional resources:

EPA's Records Management Policies
Your Records Management Contacts
More Useful Records Management Tools

Next - Why Records Management? Ten Business Reasons

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- What Every EPA Staffer should Know about Records Management
- Why Records Management? Ten Business Reasons
- What is a Record?
- What are your responsibilities?
- Which Records are important to your program?
- What is a Records Series?
- What is a Records Schedule?

What is a Record?

Records include all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them
(Taken from 44 U.S.C. Chapter 33, Sec. 3301)

Several key terms, phrases and concepts in the statutory definition of records are defined as follows:

1. **Documentary materials** is a collective term for records, nonrecord materials and personal papers that refers to all media containing recorded information, regardless of the nature of the media or the method(s) or circumstance(s) of recording.
2. **Regardless of physical form or characteristics** means that the medium may be paper, film, disk or other physical type or form; and that the method of recording may be manual, mechanical, photographic, electronic or any other combination of these or other technologies.
3. **Made** means the act of creating and recording information by agency personnel in the course of their official duties, regardless of the method(s) or the medium involved. The act of recording is generally identifiable by the circulation of the information to others or by placing it in files accessible to others.
4. **Received** means the acceptance or collection of documentary materials by agency personnel in the course of their official duties regardless of their origin (for example, other units of their agency, private citizens, public officials, other agencies, contractors, government grantees) and regardless of how transmitted (in person or by messenger, mail, electronic means or by any other method). In this context, the term does not refer to misdirected materials. It may or may not refer to loaned or seized materials depending on the conditions under which such materials came into agency custody or were used by the agency. Advice of legal counsel should be sought regarding the "record" status of loaned or seized materials.
5. **Preserved** means the filing, storing or any other method of systematically maintaining documentary materials by the agency. This term covers materials not only actually filed or otherwise systematically maintained but also those temporarily removed from existing filing systems.
6. **Appropriate for preservation** means documentary materials made or received, which in the judgment of the agency, should be filed, stored or otherwise systematically maintained by an agency because of the evidence of agency activities or information they contain, even though the materials may not be covered by its current filing or maintenance procedures.

(Taken from the Code of Federal Regulations Part 1222, Subpart A, Sec. 1222.10)

Next - What are Your Records Management Responsibilities

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Whistleblower Protection

The Whistleblower Protection Enhancement Act of 2012, signed into law on November 27, 2012, strengthens protection for federal employees who blow the whistle on waste, fraud, and abuse in government operations. Whistleblowing includes disclosures made to the US Office of Special Counsel, EPA Inspector General or a supervisor or higher-level EPA manager alleging any of the following:

- A violation of law, rule, or regulation,
- Gross mismanagement,
- A gross waste of funds,
- An abuse of authority,
- A substantial and specific danger to public health or safety

It is a prohibited personnel practice to retaliate against whistleblowing federal employees. Further information about whistleblower rights and protections and complaint processes may be found at the following websites:

EPA Office of the Inspector General

The EPA OIG hotline receives complaints of fraud, waste, and abuse in EPA programs and operations including mismanagement or violations of law, rules, or regulations by EPA employees or program participants. Learn more

The Whistleblower Ombudsman, located in the Office of the Inspector General, provides educational information about the Whistleblower Protection Enhancement Act. Learn more

US Office of the Special Counsel

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing.
Learn more

Understanding Whistleblower Protections and How They Relate to Non-Disclosure Agreements Signed by EPA Employees

Provisions in Non-Disclosure Agreements are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order.
Learn more

Scientific Integrity

EPA is dedicated to preserving the integrity of the scientific and scholarly activities it conducts and that are conducted on its behalf. It will not tolerate misconduct or loss of integrity in the performance of scientific and scholarly activities or in the application of science and scholarship in decision making. Learn more